A STUDY IN

LOCAL

Self-Government

IN MANIPUR

(with a critical introduction)

By :

M. IBOHAL SINGH,

B.A. Hons (Eng.) L.L.B M.J.S.

(Recipient of certificates of merit from

North Eastern Judicial Officers' Training Institute, Gauhati).

LOCAL
Self-Government
IN MANIPUR

(with a critical introduction)

By ,
M. IBOHAL SINGH,
B A. Hons (Eng.) L L.B M J.S
(Recipient of certificates of merit from
North Eastern Judicial Officers' Training Institute, Gauhati).

Rs 10

Published by :—
M. INDRASEN
H. SOMORJIT
B.A. (Hons. in Political Science) M.A.

1st Edition 1986
Copies 1000

Printed at **Nimai & Sons Printing Works,** Paona Bazar, Imphal

PREFACE

This book is meant for the students of Local Self-Government in Manipur. It will also be useful to those who are concerned with the local self government affairs in Manipur. If this book is found useful to the concerned even in a meagre extent, I shall think that my labour is crowned with success.

Any suggestion for improvement of this book is always welcome. Any mistake in printing or otherwise shall be corrected in the next edition.

Shamurou Bazar
April 19, 1986

AUTHOR

CONTENTS

INTRODUCTION

The Government of a State is entrusted with public administration, Substantially, public administration is concerned with the administrative affairs of the State. Practically, public administration denotes the actual dispensation of the functions by the government of a State for the well-being of its people But, it is not practically possible for the government of a State alone to perform these functions well. It would be absurd to say that only one government, at the centre of a State, can carry out these functions. From history we learn that even a monarch carried out the administrative works for his subjects through various offices established throughout his country. Thus, comes into play the idea of local government We must now know the distinction between local government and local self government

Local government is that part of the Government of a country which by delegation from the latter, is conducted by bodies appointed or elected to conduct it within limited areas Thus, local government means authority to determine and execute measures within a restricted area inside and smaller than the whole State We must also know that local self government is a variant of local government. But the former is important for its emphasis upon the freedom of the locality to decide and act Besides there is more than a technical importance in the difference between the two terms because they are related to the the distinction sometimes drawn between deconcentration and decentralization Local government is often but necessarily, related to the former, local self-government to the latter That distinctions have been made is important even if they are blurred By deconcentration some have meant that for the mere convenience of a congested central government some functions have been devolved to administration on the spot, rather than from the centre, but still administered through official appointed by and responsible to the centre Authority and discretion

are vested in the centre. On the other hand, decentralization represents local government in areas where the authority to decide has been devolved to a council of locally elected persons acting in their own discretion with officials they themselves freely elect and discipline.

Thus, we may conclude that local self-government is government by popularly elected bodies charged with administration and executive duties in matters concerning the inhabitants of a particular district or place. These bodies are elected by the local residents on the basis of universal adult suffrage.

The local self-gocernment institutions are known by different names. In India the popular term is local self-government; in England local authorities: in other places local government. But in this book we shall use the term local self-government *. The term is used to denote the local self-povernment institutions both urban and rural. The urban institutions are Corporations, Municipalities, Town Committees, etc. The rural institutions are panchayats, Gaon Panchayats, Gaon Sabhas etc.

---

* The Government of India works on and follows democratic decentralization. According to Article 40 of the Constitution of India, the State shall take steps to organise village panchayats and endow them with such powers and authority as may be necessary to enable them to function as units of self-government. Local government, that is to say, the constitution and powers of municipal corporations, improvement trusts., district Boards, mining settlement authorities and other local authorities for the purpose of local self-government or village administration, is a State subject as per Sevent. Schedule, List II, State List, Entry No. 5, of the constitution of India. In view of these facts the author prefers to use the term local self-government.

Characteristics of Local Self-Government :

Local self-government has certain characteristics First, its existence owes to the concerned State government. That is to say, it is created by the government of the State wherein it is functioning for the purpose of local administration Its powers and functions, and organisation are laid down in the statute passed by the State government for the purpose.

Second, local self-government deals with the local problems only For example, Imphal Municipality deals with the problems of the municipal areas of Imphal, Calcutta Corporation with the problems of the city of Calcutta But the problems are of peculiar concern of the locality such as, water supply, sanitation, maintenance of hospitals and libraries construction and maintenance of roads and parks, supply of electric energy, supply of seeds and artificial manures for agriculture, etc. only for the benefit of concerned local people.

Third, the three organs of the government legislature, executive and judiciary- are not clearly defined and demarcated in local self-government The functions of local self government are executive in nature It carries out the functions enshrined in the statute passed by the State government However the Nyaya panchayats at the village level perform adjudicatory functions They try petty cases civil and criminal Local self government has also some rule-making powers which is in a sence delegated legislation

Fourth there is less red-tapism in local self-government That is to say, official routines and procedure are not strictly followed in local self-government Most of the work are done by personal discussion

Fifth local self government work is amateur Hardly do the professional politicians indulge themselves in local self government At the village level the panchayats are run only by the laymen However, local self-government serves as training ground for the budding politicians

Sixth, local self-government institutions are corporate bodies endowed with legal powers and functions. having their own official seals.

Seventh. local self-government has limited financial resources. It is financed substantially by the inhabitants of the locality. It is financially dependent on the grant-in-aid given by the State Government.

Eighth. local self-government is essentially government on a small scale but the State Government is a large scale enterprise in terms of total revenue, expenditure and employment.

Ninth, in terms of number, the local self-government institutions are in legions. But there is only one State Government which creates such institutions. For example. there are at present 2, 21, 674 village panchayats, 4,015 Panchayat Samitis, and 262 Zila Panchayats in India.

Lastly, local self-government institutions are in close contact with local people. As such, local administration follows the local public opinion. People have easy access to their local institutions. Thus, there are elements of direct democracy in local administration.

Value of Local Self-Government : Local self-govern-has much practical value in the administation of a State. First. the relieves the State Government of the heavy burden of the administrative affairs, to a great extent. These days, a State Government is committed to the establishment of a welfare State. Therefore, the welfare services for the people are varied and complex, the burden is too heavy for the State Government alone to bear. In such conditions local self-government institutions can look after their own local problems and carry out the welfare services for the people,

Second, different areas have their own peculiar problems. Some need water-supply; some electrification; some sanitation, some price-control; some primary education and so on. Only the concerned local people can better understand their

own problems. The shoe-maker knows best where the shoe pinches. The State Government of Manipur at Imphal hardly knows that a village road should be constructed between Kasimpur and Leishabithol villages in the Jiribam Sub-Division. Similarly, it does not know the number of culverts which are required for the regulation of river water at a particular village. But the concerned local bodies know the problems and can carry out the works.

Third, economy is secured by local government. Local functions are performed by local authorities out of funds raised locally. Equity demands that the people of a particular area for whom the services are performed must pay for them. Naturally, the people entrusted with the management of the local affairs shall manage them more efficiently in order to keep their bill of costs as low as possible. 'Maximum service at minimum cost' becomes the principle in the management of the local affairs. There is hardly any scope for profit making-motive in such management.

Fourth, local self-government imparts civic sense* to the local people. Local self government institutions work through personal discussions. Local people have easy access to them and can easily express their grievances. They know the work to be done and the expenditure to be borne. They come to know that they are the members of the society to which they belong. Participation in the management of the local affairs tends to develop amongst them a sense of mutual interest in the common affairs and trains them to work for others honestly and efficiently. It also tends to develop amongst them a sense of fraternity and co-operation.

---

* Civic sense means the sense or the consciousness about the obligations or duties which everyone of us owes to the society of which we are members.

Fifth local self-government institutions serve as the training grounds in the art of self-government; the experience and knowledge acquired in local governance can be best utilised for the wider affairs of the State Government. Democracy is a government of the people, by the people and for the people. So, people of a democratic State are to be trained in the art of self-government. In this respect local self-government institutions impart better training to the people. It is for this reason that Laski has suggested that nobody should be allowed to stand as a candidate for election to the national legislature unless he has served for at least three years on some local body. This foundation aspect of local self-government is now described "grass roots" democracy.

Lastly, a sound system of local self-government tends to diminish bureaucratic despotism. That is to say, absence of a sound system of local self-government leads to the concentration of the business of the government in the hands of the appointed officials. The State Government shall lay down certain principles, and the appointed officials shall work out the details without complying with actual public needs and grievances. And the officials shall become despots. But a sound system of local self-government shall eliminate such bureaucratic despotism. Local self-government institutions can look after their respective local problems and carry out the necessary works. They better know the actual local needs and grievances.

Defects of Local Self government. Local self-government has certain defects in its practical working. First, it breeds localism, it narrows the outlook of the people. For example, a Town Committee under the Manipur Municipalities Act, 1976 has many wards, the commissioner of a particular ward usually follows what the people of his ward advise him; practically he looks after the problems of his ward only. Similarly act other Commissioners also

Rare are not cases where a ward of the Municipality or the Town Committee is provided with all the facilities such as, water for drinking, library, club, park electrification playground etc while another ward is not provided even with an electric tube-bulb Very frepuently, the commissioners quarrel amongst themselves over the work distribution for their wards Thus, it becomes difficult for them to think for the common good and join the national mainstream both in in policy and programme The narrow outlook and localism so bred may be ultimately lead to disunity and disintegration of a vast State like India

Second local self-government officials are generally without sound knowledge of administration. At the village level the members of the panchayats are laymen the Nyaya panchayat courts are presided over by such persons very frequently, these courts try and decide cases not in the ways laid down in the statute passed by the State Government Even the Pramukhs at the Block level are sometimes found to have no knowledge of administration The concerned Block Development Officers use them as rubber-stamps in policy making and work-implementation The reason behind this state of affairs is that local self-government cannot attract trained and professional politicians, especially at the lower level

Despite these defects local self-government has much practical value in a democratic State. It can be said that local self government which is now known as "grass roots democracy from a vital element of democracy for the modern State It can also be said that democracy on the national scale can function in a healthy manner only if it is supported and nourished by democratic local self government So, inaugurating the first Local Self Government Ministers Conference (India) in 1948, our first late Prime Ministers, Jawaharlal Nehru said "Local Self-Government is and must be the basis of any true system of democracy What

get rather into the habit of thinking of democracy at the top and not so much below. Democracy at the top of may not be a success unless you build on this foundation from below".

Democracy and Local Self-Government : There are as many definitions of democracy as there are political thinkers. But the popular definition of it is "government of the people. by the people and for the people" (Abraham Lincoln). Practically speaking, democracy is not merely a form of government. It is a way of life based on epuality and fraternity. In a truely democratic State every individual must feel that he has played his own role in the well-being of his State. At the same time, the State must given him equality-social, economic and political. Every individual must also love another as his own self and respect another's rights as his own.

There was direct democracy in each Greek City State. Such a State was small both in area and population. In such democracy the citizens appeared in large popular assemblies and directly decided impnrtant public affairs. In such system of administration there was hardly and need for local self-government.

But direct democracy is not practicable in a vast State like India. It is not practically possible for all the people of India to assemble, at a time, at a particular place or in parliament at Delhi for deciding important public affairs. Nor can all the people of Manipur assemble in such a way for such purpose at a particular place or in the Manipur Legislative Assembly at Imbhal. Necessarily, representative democracy is adopted. We elect representatives. In such situation, decentralisation on democratic basis becomes indispensable. And such decentralisation can be best achieved if it is based on a sound system of local self-government.

We have earlier discussed in detail the value of local self-government.*

It imparts civic sense to the people; it also serves as the training ground in the art of self-government, which is one of the conditions for successful working of democracy A sound system of local self-government can also check bureaucratic despotism in a centralised system of administration These conditions are a guarantee of modern representative democracy.

As stated earlier, democracy is a way of life based on equality and fraternity Therefore, the State Government must be sure that everyone within it enjoys such life. But, practically, the government at the centre cannot look after the local problems and needs. This lacunae can be removed only by a sound system of local self-government. Local self-government institutions with clearly defined powers and functions can well look after their respective local problems and do the necessary works And the local people will reap the fruits from such works In this way, a sound system of local self-government will be of immense help to achieve the true goal of democracy That is to say, through it people will share quality and fraternity with others of their country to a great extent

In conclusion, we can say that for the successful working of a true democratic government a sound system of local self-government is indispensabl According to Bryce, local self-government is the best school of democracy, and the best guarantee for its success is the practice of self-government

* See the value of Local Self-Government, (Supra) Fourth, Fifth and Last.

Political Parties And Local Self-Government.

As we well know, local self-government is based on democratic decentralitation, the aim being to meet the yeculiar local needs of different far-off places. Democratic decentralisation on this basis becomes indispensible for the succesful working of democracy in a vast country like Indiq. Further, we all know that India is almost like a continent. It consists of thousands of villages inhabited by millions of illiterate villagers; and it also consists of cities and of towns where millions of home-less path-dwellers are reaming for livelihood. These villages, these cities and towns have varied needs and problems of their own. Sometimes, the needs and problems are so local that they can be best solzed and met by their local institutions like panchayats, panchayat Samities, Zila parishads, Municipalities, Corporations, Town Committees etc. Under these circumtances, practical approach is a must. And government on the basis of party politics may have a baneful effect on these real needs. Modern government is majority rule. But local self-government is designed to solve the practical problems,

The Sarvedaya School*, therefore, maintains that there should be no political parties in public administration. It advocates Stateless society. But it does not rule out governmental set-up at the early stage towards this goal. It maintains that there should be organised self-governed and self-regulated communities on partyless basis. This pattern comes very close to the ancient Greek States, where the qualified citizens had directly conducted important public affairs.

---

* Sarvodaya is a legacy by Mahatma Gandhi, after his death, Archarya Vinoba Bhave become its Chief exponent; these days Jayaprakash Narayan is the chief exponent.

But political parties can not be given up in modern democracy. It goes without saying that we run our government through our elected representatives. Therefore political parties with their fixed policies qnd programmes are the most important for successful working of modern indirect democracy. As stated earlier, modern democratic rule is majority rule. The same principle works in our modern local self-government both rural and urban. The State Governments in India, as is in other countries, pass necessary Acts on local self-government. This state of affairs brings political parties into play in our mobern local self-government. It is known to all of us that these days political parties in Manipur are convassing votes for their candidates at the elections even at the level of panchayats, Town Committees, District Councils etc. And rare are not cases where Municipal Boards, Town Committees, panchayat Samities are superseded or dissolved by the State Governments in India. It is also a glaring fact that a local self-government institution run by a non-ruling party always gets defeated and disappointed at the hands of the ruling party.

In conclusion, we can suggest that frequent interference by the State Government in the functioning of local self-government institutions is undemocratic and unconstitutional This institutions are desigcd to solve the practical needs of peculiar local characteristics. So, they must be kept aloof, as far as practicable, from the power politics. These institutions should be allowed to function as freely as possible unless their functioning affects the unity. integrity and security of India and causes social and economic injustice.

A STUDY IN
LOCAL SELF-GOVERMMENT
IN MANIPUR
(WITH A CRITICAL INTRODUCTION)

CHAPTER I
HISTORICAL DEVELOPMENT OF LOCAL SELF-GOVERNMENT IN MANIPUR

A Centralised System of Administration Before 1947

Monarchy was the form of government in early Manipur; the administration was highly centralised. The King had administered his country in pursuance of a system called "Lallup" For this system the entire Meitei population was divided into 'pannas'. The pannas are like districts or sub-divisions in a modern State. Each panna consisted of a number of families and tribes. The head of each family or tribe would select from his family or tribe the men, not below the age of 17 years, who can render service (Lallup) to the King for and on behalf of the panna to which they belonged. 'Lallup' covered all the State-works-social, economic, military.

The heads of the 'pannas', were the appointees from amongst the favourites of the King. Their offices were established in and around the palace. Besides, there was also a branch of 'Lallup' called 'Khundin', the duty of which was to see that men liable to 'Lallup' performed their work well

For due and efficient working of the 'Lallup' the 'pannas' were minutely divided, the total number of divisions reaching the high figure of 107. Nearly all the divisions had an office known as the "Lallup Chingba" who was an active intermediary between the officers at the capital and the men in the village.

From time immemorial 'Lallup' system had been in practice in Manipur It was abolished on 29th September, 1912 A.D. at the time of the coronation of Sir Churachand Singh.

Besides the 'Lallup' system, there was another system of work-allocation called "Yumnak Mashin". Under this system, each Yumnak (household) of each of the seven Salais * had its own 'Mashin' (work). Thus, 'Yumnak Mashin' was the work done by each 'Yumnak; and the name of the 'Yumnak' was given according to the work that the 'Yumnak' had been doing.

Later on, the process of decentralisation started in the administration of Manipur. On 14th Hiyangei (October-November) 1892 A.D. village panchayats where established[1], later on, on 30th Hiyangei 1903 A.D. panchayats were set up in the villages of kakching Khulen, Sekmai Khunbi, Shikhong, Ningon'. In each of the village panchayats 5 (five) members sat; all were elected by open ballot. Two of the members were to retire every two years by rotation. Subsequently they after election sat permanently[2]. But the

---

* Mangang, Luwang, Angom, Moirang, Khuman, Khaba-Nganba and Chenglei.

1. See Cheitharel Kumbaba, p. 515 edited by L. M. Iboongohal Singh and Khelchandra Singh.
2. ibid, p. 531.
3. See L.M Iboongohal Singh: Introduction to Manipur, p. 104

functions of these panchayats were mainly adjudicatory rather than administrative.

After the Anglo-Manipuri War 1891, A.D. the State of Manipur was taken over by the government of India; minor Churachand Singh was appointed the Chief of Manipur. During his minority the administration was looked after by the political Agent and Superintendent of the State He was given the powers to adopt such measures as were beneficial to the people, but with instructions to regard the existing customs and traditions and the institutions. Again attainment of majority Churachand Singh administered the State, aided and advised by a Darbar. Each Darbar member was responsible for the department where of he was in charge

In 1947 a form of responsible government was established in Manipur under the Manipur State Constitution[4]. There was a council of six Ministers who were elected by the Manipur State Assembly comprising representatives elected, on adult franchise and on the principle of jont electorate from general, hill and Mahomedan constituencies at the ratio 30 18.3 with additonal two seats for the representatives of educational and commercial interests. The Ministers were in charge of their own portfolios. But the Chief Minister *

---

* M.K. Priyobrata Singh, younger brother of Budhachandra the Majaraja, held the office of this Chief Minister.

4 It is held that such provisons of this constitution will continue to remain in force as are not repugnant to the provisions of the Indian Constitution under Article 372 of the latter, See Heisnam Barunilon Singh, petitioner Vs. Thokchom Ningol Heisnam Ongbi Bhani Devi and others, AIR 1959 Manipur 20 (V 46 c 11); also Ram Manohar Lohia Vs S Sundram, (s) AIR 1955, Manipur 41

was appointed by the Maharajah. So, there was no full fledged democracy in Manipur under the Manipur State Constitution. But the constitution did not operate long as the Manipur State was merged with the Indian Dominion on 15th October 1949 under the Merger Agreement.

After the Angolo-Manipuri War, 1891 A.D. 'Lakpas' and 'Moujadars' were officers entrusted with administration on the spot. Their functions were mainly revenue collection. At the same time they were given administrative powers and functions. Practically they were all-in-all in the administration of the areas of which they were in charge.* They were first under the control of the political Agent and Superintendent of the State, and then under the control of the Maharajah assisted by the Manipur State Darbar.

In the hill ar as illiterate 'Lambus' and 'Kompaks' were the administrative officers on the spot. Therefore, there was maladministration. It was an open secret in those days that 'Lambus' and 'Kompaks' oppressed the innocent hill people in order to extract money from them. The big officials in the office could not but approve of their report as it was very difficult, though not impossible, to check everything they had done.

* An old experienced petition-writer, N. Brajamani Singh of Jiribam Babupara, Jiribam Sub-Division gives the author a very interesting account of the Moujadar period in this Sub-Division, from his own personal experience: Moujadar was regarded almost like a King. He could do everything Police, sanitation and health, forests, trial of cases-both civil and criminal, revenue collection, primary education, public works, such as, construction of bridges and village roads, reliefs works in case of natural calamities, were all entrusted to him. He was a favourite of the Maharaja of Manipur.

From the above discussions we can come to the conclusion that there was no system of local self-government in Manipur before 1947. There was a highly centralised system of administration and the offices for administration were put direct under the control and supervision of the State Government.

B. Local Self-Government from 1947.

Practically speaking, local self-government was introduced in Manipur only in 1947. From this year, the responsibility for administration in the Hills was vested in the Maharaja in Council and exercised in accordance with the Manipur State Consttitution and the provisions of the Manipur State Hill peoples (Administration) Regulation 1947[5].

Under this Regulation, the Minister of the State Council for the Hill Administration was responsible for the administration of the Hill peoples[6]. Under his control and supervision, the concerned Sub-Divisional Officer was the administration officer on the spot[7] ?

Local Authorities Under the Manipur State Hill peoples (Administration) Regulation, 1947.

For the purpose of administration all villages to which this Regulation was applied was grouped into Circles and Sub-Divisions[8]. In each village of 20 tax paying houses or over there was constituted a Village Authority which was nominated in pursuance of the custom of the village and to consist of the Chief or Khullakpa of the village with his

5. See The Manipur State Hill people (Administration) Regulation 1947, Section 3.
6. Section 10.
7. Section 8.
8. Section 5.

council of elders. The concerned S.D.O. had to formally recognise a Village Authority so nominated; he was the final authority in matters concerning the appointment and constitution of a Village Authority; but appeal could lie to the Minister in charge of Hill Administration against the S.D.O.'s decision[9].

In each Circle (consisting of a number of villages) there was constuted a Circle Authority which comprised a Circle Officer and a council of five members elected by the village Authorities falling within the Circle. The concerned S.D.O. had formally to recognise a Circle Authority so constituted; he was the final authority in matters concerning the election and constitution of the Circle Authority; but an appeal could lie to the Minister in charge of Hill Administration against his decision[10]. The following diagram shall clearly show us the organisation of local authorities under this Regulation:

Minister in charge of the Hill Administration.



Sub-Divisional Officer



Circle Authority/Circle Authorities*



Village Authorities**

Here the 'arrow mark' is used to denote that, first, Village Authority/Authorities was/were constituted, then Circle

9. Section 6.

10. ibid. Section 7.

* As per the Schedule to this Regulation, there were three general Circles, namely Sadar Circle, Ukhrul Circle, Tamenglong Circle; the first had three Circles, the second three Circles, the third also three Circles.

** A Village Authority was formed in areas where there were no less than twenty tax-paying houses. A Circle Authority could comprise more than one Village Authority.

Authority/authorities was/were constituted and that the concerned S.D.O. supervised them under the control of the Minister in charge of the Hill Administration.

Subject to the provisions of this Regulation[11], the Circle Authorities had to discharge these powers and functions, such as, administration of Lower and primary Education, public works—construction and maintenance of all briddle paths and bridges other than iron bridges, public buildings, of Katcha type or semi-katcha type and of pucca buildings sanitation and health, forests, agriculture, preparation and maintenance of land records and tax-collection. Besides, a Circle Authority could exercise such power as was vested in it by the Regulation.

The Circle Authorities were also responsible for maintenance of Law and Order within their Circles.[12] But ordinary duties of the Police in respect of crime were discharged by the village Authorities. They had report to the Circle Officer regarding the commission of any heinous offence within their jurisdiction[13].

The Circle Authorities also discharged judicial functions. They were given the powers of the Magistrate of the First Class under the Codek of Criminal procedure[14]. They heard appeals filed against the decisions of the Village Authorities, both in criminal and civil cases[15].

Besides the police functions, the Village Authorities could also try these criminal cases, such as, theft including theft in a building, mischif except mischief by fire or any

---

11 See Chapter III

12 Section 14.

13. Section 15.

14 Section 16

15. Sections 31 & 42

explosive substance, cattle theft and illegal slaughter of cattle, simple hurt, assault or using criminal forces etc[16]. They also could try civil cases of the value of not more than Rs. 500/-[17].

But the Regulation so far as it related to the constitution and functions of Village Authorities and the administration of justice, both civil and criminal by court of village Authorities, was repealed[18]. The Act extends to the whole of the hill areas of the State of Manipur[19].

The Act instiles democratic elements into the constitution of the Village Authorities. Under the earlier Regulation, the Village Authorities were nominated. But under this Act they are to be elected[20].

Unlike the earlier Regulation, the present Act gives statutorily the constitution of the Village Authority. A Village Authority has to consist of (a) five members where the numbers of tax-paying houses in the Village is not less than 20 but not more than 60; (b) seven members where the number of such houses is more than 60 but not exceeding 100; (c) ten members where the member of such houses is above 100 but not exceeding 150; twelve members where the number of such houses is more than 150.

Constitution of Village Authority Under the Manipur

The Chief Commissioner (now State Government) may, in the general interests of the local people, declare by notification in the official Gazette

16. Section 24.
17. Sections 39 & 40.
18. The Manipur (Village Authorities in Hill Areas) Act 1956 (80 of 1956), Section 58.
19. Section 2.
20. Section 3 (2).

(Village Authorities In Hill Areas) Act, 1956.

that a village having twenty or more tax-paying houses shall have an elected Village Authority. Where there is no such notification, the Village Authority shall be nominated. The Chief or Khulakpa of that village shall be ex-officio Chairman of the Village Authority of that village. If there is no such chief or Khulakpa, the chairman of that Village Authority shall be elected by the members thereof from amongst themselves[21].

A person shall not be qualified for being chosen as a member of a village Authority unless he—(a) is a citizen of India; (b) in the case of membership of an elected Village Authority, is registered in the electoral roll as a voter for the election of a member of the Village Authority[22].

A person shall be disqualified for being chosen as, and for being, a member of a Village Authority,—(a) if he is a member of any other Village Authority; (b) if he is of unsound mind and stands so declared by a competent authority[23]

The term office of members of a Village Authority is three years from the date appointed from its first meeting[24].

The election of members of the Village Authority is on the basis of adult suffrage, that is to say, every person who is a citizen of India and who is ordinarily resident in the village and is not less than 21 years of age on such date as is prescribed by rules made under this Act, shall be entitled to be registered as a voter at any such election[25].

21. Section 3
22. Section 4
23 Section 5.
24. Section 6.
25. Section 7.

The concerned Deputy Commissioner may also remove a member of the Village Authority from his office on any of these grounds, such as, conviction of a none-hailable offence, refusal or incapacity to act, insolvency, for being in government service, absence from meetings six times consecutively, misconduct in the discharge of duty etc[26]. A member may also resign his office by writting under his hand addressed to the Chairmain of the Authority[27].

Every Village Authority within the local limits of its jurisdiction, perform these functions[28].

(i) maitenance of law and ordeb; such powers and functions as conferred on the police by or uuder the police Act, 1861;

(ii) airest of suspected accused persons;

(iii) an accomplice in a heinous offence;

(iv) arrest of any person for whose arrest a requisition has been recieved from the police;

(v) arrest of any person designing to commit a heinous offence;

(vi) arrest of any person obstructing the Village Authority in the performance of its duty or police officer while in execution of his duty;

(vii) arrest of any person who has escaped or attempts to escape from lawful custody.

Subject to the general superintendence and control of the Deputy Commissioner, the Sub-Divisional Magistrate shall have control over the Village Authorities[29].

---

26. Section 8,
27. Section 9.
28. Section 16.
29. Section 15.

Besides the above enumerated functions, a Village Authority can also function as a Court. The State Government may by notification in the Official Gazette appoint any two or more of the members of the term of office as a members of the Village Authority[30]. The Village Court, so constituted, shall have jurisdiction concurrent with that of the criminal court within whose local jurisdiction it is situated, for the trial of the offences, under section 24, 26 and 27 of the Cattle Trespass Act, 1871; offences under enactments (except the Indian Penal Code and this Act) punishable with fine upto Rs. 200/- ; offences under section 34 of the police Act; 1961; offences under these Sections of the Indian Penal Code, Sections 160, 178, 179, 269. 277, 289, 290, 294, 323, 334, 341, 352, 358, 426, 447, 448, 504, and 510; Sections 379 and 411 where the value of the property involved is not over Rs. 200[31]. A village Court can also try civil cases (concurrent with the civil court within whose local jurisdiction it is situated), such as suits for money due on contracts; suits for recovery of movable property or value of such property, suits for compensation for wrongfully taking or injuring movable property; suits for damages by cattle trespass, when the value of the suit does not exceed Rs, 500 -[32]

Village Court Under The Manipur (Village Authorities In Hill Areas) Act, 1956.

In the year 1971 the Manipur (Hill Areas) District Councils Act, 1971 was also passed for the establishment of District councils in the Hill Areas of Manipur Now there are six such councils in Manipur.**

---

30 Section 19

31. Section 20.

32. Section 30

* The Act was extended to Manipur excluding the area to which the Manipur (Village Authorities in Hill Areas) Act, 1955 was extendeed, Vide The Manipur Code part III, p 337

In the village of Manipur Gram Panchayats Sabhas and Nyaya Panchayats were established under the United Provinces Raj Act 1947*. Later on, the Government of Manipur enacted the Manipur panchayati Raj Act, 1975. This Act replaces the U. P. panchayat Raj Act,[33] and envisages a three-tier-system Gram Sabha and Panchayat village level; Panchayat Samiti at the block level and Zila parishad at the District level**.

In conclusion, it can be said that there have been a sound system of local bodies in the Hill Areas of Manipur, from the year 1947. But in the valley local bodies—gram sabhas and Nyaya Panchayats—were introduced under the U. P. panchayat Raj Act, 1947 when the Act was extended to Manipur in the year 1960.

** Details shall be found in the next chapters.

33. See Section 249 of the Manipur Panchayati Raj Act, 1975.

CHAPTER II

THE MANIPUR (HILL AREAS) DISTRICT COUNCILS ACT, 1971.

This Act provides for the establishment of District Councils in the Hill Areas of Manipur*. For this purpose the Hill Areas are to be divided into not more than six autonomous districts. The Government of Manipur is the authority to determine the area of such a district and its name[1].

Constitution of District Councils :

Each autonomous district shall have a District Council consisting of not more than 18 members elected by direct election on the basis of adult suffrage from its territorial constituency. The Government may also nominate not more than two persons, not being Government employees, to be members of such a Council[2]. It is a body corporate having the name of the autonomous district wherein it is functioning[3]. A person shall not be qualified to be chosen as a

---

1. Section 3.
2. Section 4
3. Section 22.

Under Section 3 (2) (a), the State Government may exclude from an autonomous district, the areas where Municipality or Small Town Committee is established. At present, there are 9 (nine) small Town Committees in the hill area of Manipur—four in North District, one ~~in East District;~~ one in West District, one in South District and two in Chandel District. Churachandpur, the district Headquarter of South District, has its own Municipality. At present, there are six District Councils in Manipur — Tengnoupal, Ukhrul, Churachandpur, Mao Kangpokpi and Tamenglong

member of a District Council unless he is an elector for any District Council constituency in that autonomous district[4].

A person shall be disqualified for being chosen as a member of a District Council if he is for the time being disqualified for being chosen as a member of either House of parliament or holds any office of profit under any District Council[5]. Only voters at the election to the House of the People are entitled to vote at the elections to the District Councils[6]. The term of office of a District Council member is five years commencing from the date of the notification of his electioneer nomination or from the date on which he is elected or nominated for a vacancy. But the State Government may extend the term for a period not exceeding one year[7].

The State Government, on reciept of a report from the concerned Deputy Commissioner or otherwise, may supersede a District Council for a period not exceeding one year, on any of the following grounds:

(a) incompetency to perform its duty;

(b) abuse of its powers,

(c) its precarious financial situation;

(d) any situation by reason of which it cannot be carried on in pursuance of this Act. The period of supersession may be extended for further period not exceeding six months in consultation with the Hill Areas Committee[8].

---

4. Section. 7.
5. Section 8.
6. Section 9.
7. Section 13.
8. Section 47

A dispute over the election of a District Council member shall be decided by the court of District Judge. The election may be declared valid or void. His decision shall be final and conclusive[9].

District council members are deemed to be public servants within the meaning of Section 21 of the Indian Penal Code[10].

A District Council shall have its own Chairman and Vice-Chairman who are elected from amongst its members. The Chairman is a whole time functionary and entitled to salary and allowances. He can be removed from his office by a resolution passed by not less than two-thirds of the total membership of the Council at meeting for the purpose. If such resolution is passed by less than two-thirds majority. the State Government may pass order removing him on grounds to be specified in the said order. But no such resolution shall be brought within one year from the date of election of the Chairman[11].

Functions of the District Council

Subject to such conditions and exceptions as the State Government may impose and make, the following matters shall be under the control and administration of a District Council, namely ;[12]

- (i) maintenance and management of property both movable and immovable, and institutions transferred to it by the State Government ;
- (ii) construction, repair and maintenance of roads, bridges, channels and buildings transferred to it ,
- (iii) establishment, maintenance and management of primary schools ; institution of scholarships connected with such schools ;

---

9. Section 14-20.
10 Section 28.
11. Section 23
12 Section 29

(iv) establishment, maintenance and management of dispensaries;

(v) establishment and maintenance of cattle ponds including such functions under the Cattle Trespass Act 1871 as are transferred to it;

(vi) establishment, maintenance and management of markets and fairs and the constructions, repair and maintanance of all buildings connected therewith;

(vii) supply of water for domestic use;

(viii) supply and regulation of water by embankment for agriculture;

(ix) preservation and reclamation of soil;

(x) preservation, protection and improvement of livestock and provention of animel diseases,

(xi) public health and sanitation,

(xii) management of ferries,

(xiii) initiation, inspection and central of relief works;

(xiv) allotment: occupation or use of land for promotion of local interests in agriculture or non-agrieultural purposes;

(xv) management of forest not being a reserved forest,

(xvi) regulation of jhum or other form of shifting cultivation,

(xvii) other functions entrusted to it in the field of agriculture, ammal husbandary, community development, social and tribal welfare, village planning etc.

A District Council can recommend to the State Government legislation in respect of the following matters if they concern members of the Scheduled Tribes, namely,

(a) appointment or succession of Chiefs;

(b) inheritance of property;

(c) marriage and divorce; and

(d) social customs.

Other Power and Functions :

A District Council may appoint committees out of its own body for the due and efficient discharge of its functions[13]. It has also one Chief Executive Officer appointed by the State Government. It can pass resolution by a majority of not less than two third of its total membership for removal of him. It appoints and maintains its own staff[14].

It has the power to levy within its local area (a) taxes on professions, trades, callings, employments etc, (b) taxes on animals, vehicles except machanically propelled vehicles, and boats ; (c) taxes on goods brought for sale at markets within its area and tolls on passengers and goods carried in forries ; (d) taxes for maintenance of schools, dispensaries, roads etc. ; (e) any tax mentioned in the Seventh Schedule to the Constitution of India if it is so empowered to levy by the State Legislature[15].

A District Council has also the power to fix and levy (a) School fees ; and (b) fees for use of or benefits derived from, any works done or services rendered by it as its functions[16].

A District Council can make bye-laws for the following purposes[17].

(a) the maintenance and management of schools and grants of stipends and scholarships ,

(b) control and administration of dispensaries and matters connected therewith ;

(c) protection from pollution of such tanks, springs, well or parts of rivers, streams, channel or water courses as are set apart for drinking or culinary purposes ;

---

13. Section 31.
14. Section 32.
15. Section 33.
16. Section 34.
17. Section 52.

(d) any matter essential to the carrying out of all or any of the provisions of this Act or rules framed thereunder.

But the bye-laws, so framed, must be confirmed by the State Government ; otherwise they are not valid.

In making the bye-laws, a District Council can direct that any breach of such bye-laws shall be punishable with fine which may extend upto Rs. 100/- and in the case of a continuing breach with a further fine which may extend upto Rs. 10 of everyday during which breach is continued after the offender has been convicted of such breach. In default of payment of any fine the defaulter shall be punishable with imprisonment for a term which may extend upto 15 days[18].

District Council Fund :

A District Council has its own fund called 'Council Fund'. All moneys received by or on behalf of it under the provisions of this Act or any other law are credited to this fund. The fund is held by the District Council in trust or the purposes of this Act. All expenditure of the Council are defrayed out o this fund. The account of the council audited by the State Government in the prescribed manner[18].

It must submit every year to the State Government its budget i. e. an estimate of its income and expenditure, for the next finac al year. The State Government may or may not medify it. The budget, if approved by the State Government, shall be the budget of the Council. Any subsequent alteration in the budget or reappropriation or transfer of provision within the estimate shall be made with the approval of the State Government[19].

---

18 Section 53.

18. Section 43.

19. Section 45.

Control Over District Council .

It is the duty of a District Council Chairman to furnish to the concerned Deputy Commissioner a copy of the proceedings of the meetings of his Council and such other information as the Duputy Commissioner required. The Deputy Commissioner has the power to give such directions to the Council as he thinks necessary in the sphere of primary education in the schools controlled and maintained by the Council. He has also the power to suspend the execution of any resolution or order of the District Council or prohibit the doing of any act by it, if he thinks that such resolution, order or act is in excess of the powers of the Council or likely tocause breach of peace or annoyance to the public. The Deputy Commissioner must intimate forthwith to the State Government any action he has taken in any of these matters"[20]

20. Section 46.

CHAPTER III

THE MANIPUR PANCHAYATI RAJ ACT, 1975.

This Act replaces the United provinces panchayat Raj Act, 1947[1]. The latter was extended to Manipur in the year 1960. Under that Act, Gram Sabhas and Nyaya panchayats were established in the villages of Manipur. The Gram Sabhas were given the powers to carry out general administrative works, such as, sanitation and health, maintenance and improvement of schools and hospitals, establishment of hospital and dispensary, assistance to Government servants, &c The Nyaya panchayats discharged adjudicatory functions. They could try petty cases—civil, criminal and revenue.

The Manipur panchayati Raj Act, 1975 envisages a three-tier-system at the village level Gram Sabha, at the block level panchayat Samity and at the District level Zila parishad*

But the Act shall not operate in areas where the Manipur (Hill Areas) District Council Act 1971 or the Manipur (Village Autorities in Hill Areas) Act 1956 is in force or in areas which are or may be comprised in a municipality, town area, notified area or a contenment But the Act shall extend to the areas where the U P panchayati Raj Act, 1947 had been in force and to the Hill villages where there had been panchayat system under Order of the Government[2]

Gram Shabha :

It is established in a rural area having a population of at least 4000 but not exceeding 8000 But the maximum

1. See Section 249 of the Manipur panchayati Raj Act, 1975.

* This follows All-India-pattern of panchayati Raj introduced in 1959.

2. Section 1.

population may, sometimes, reach 10000 due to local conditions. The State Government Specifies the name of a Gram Sabha and its local limits[3]. A Gram Sabha is a body corporate having perpotual succession and a common seal. It can hold, acquire and dispose of property and enter into contracts. It can sue and be sued in its name[4]. All persons within its local limits are its members if (a) they are citizens of India, (b) they are of sound mind, (c) they are qualified for voting. A person disqualified for being a member of Gram Sabha if (a) he ceases to be citizen of India, (b) he becomes unsound mind, (c) he is disqualified for voting under law, (d) the area of his residence has been excluded from his Gram Sabha and (e) he ceases to be ordinarily resident within his Gram Sabha area[5].

A Gram Sabha has its own pradhan ond Upa Pradhan who are elected by direct election by secret ballot from amongst its members The term of office is co-terminus with the term of the Gram Panchayat (five years). The State Government can appoint a member as/pradhan if the Gram Sabha fails to elect the Pradhan[6].

A Gram Sabha shall hold meeting, at least once, every year But the Pradhan call a meeting on his own motion, or on requisition in writing of not less than one-fifth of the members of his Gram Sabha or if required by the Panchayat Samiti or the Deputy Commissioner on the Director of Panchayats within 30 days from the reciept of such requisition, or within the period directed by the panchayat Samiti or the Deputy Commissionor, as the case may be For any meeting 150 members shall from quorum If there is no quorum, meeting is to be adjourned not latter than 15 days from the date of its meeting But no quorum is necessary

3. Section 3.
4 Section 4
5. Section 5 & 6
6 Section 10 & 11.

for such an adjourned meeting. Any officer authorised by the Deputy Commissioner or the Director of panchayats has the right to participate in the meeting of Gram Sabha, but without right to vote. The pradhan, in his absence the Up-Pradhan shall preside over the meettng; in the absence of both of them, the members present shall choose from amongst themselves, a member to preside over the meeting[7].

Gram Panchayat.

Every Gram Shabha has an executive committee called the Gram Panchayat[8]. The Gram Panchayat consits of the pradhan and other elected members not exceeding[13]. Seats are reserved for the Scheduled Castes and Schedule tribes and the reservati on is made in such a way that the number of seats so reserved bears, as nearly as may be, the same proportion to the total member of their seats in the Gram panchayat. The State Government may appoint any Government officer as ex-office member of the Gram panchayat[9].

For the purpose of election of the pradhan and the members of the Gram panchayat, the Deputy Commissioner divides a Gram Sabha area into a number of wards. Each ward elects its own member. The pradhan and other members are elected simultaneously by direct election and sacred ballot, by the local people who are entitled to vote at the election to the Manipur Legislative Assembly[10].

The term of Gram panchayat is five years from the date of its constitution, and the expiry of the said period of five years shall operate as dissolution of the Gram panchayat. The State Government may extend the term for a total period of not more than one year in the aggregate[11].

---

7. Section 12.
8. Section 14.
9. Section. 15.
10. Section 7, 17 & 17.
11. Section 22.

The State Government has also the powers to supersede a Gram panchayat for a period not exceeding one year on any of these grounds—(a) incompetency to perform its duty; (b) persistant default in the performance of ets duty ; (c) abuse of its powers. If a Gram panchayat is superseded, the Pradhan, the Upa Pradhan and all members shall vacate forthwith their offices. Its powers and functions shall be exercised by a person appointed by the State Government[12].

A Gram Panchaayat shall meet for transaction of business at least once in every month at the office of the Gram Panchayat. The Pradhan may also call a meeting if he thinks that the meeting is necessary in the public interest. He may also call a meeting upon a written requisition of not less the than one half of the total membership of the Gram Panchayat, or if he is directed to do so by the Panchayat Samiti or the Director of Panchayats. The quorum for the meeting is one-half of the total members of the Gram Panchayat. If there is no such quorum, the meeting shall stand adjounred. At such meeting the Pradhan, in his absence the Up-Pradqan shall preside , and in their absence, the members present shall choose from amongst themselves one to preside over the meeting[13].

A Gram Panchayat has also its own Secretary appointed by the Director of panchayats. The Secretary is the ex-officis Secretary to the Gram Sabha. With the provious sanction of the Panchayat Samiti, Gram panchayat can also appoint such member of officers and employees as are necessary for due and officient disharge of its duties. The State Government may put at the disposal of Gram panchayat Government employees for the use of the latter.[13-A]

Powers and Functions of Gram Panchayat : [14]

A Gram panchayat has the power to do works in respect of the following matters :

---

12. Section 23.
13. Section 30.
13-A. Section 40.
14. Section 34

I. In The Sphere of Sanitation and Health.

(1) Cleaning and Lighting of streets ;

(2) Sanitation and conservancy of the Cram Panchayat area ; prevention of public nuisance ;

(3) Burial and cremation greounds ; places for disposal of dead animals and other offensive matters;

(4) Supply of water for drinking and demestic use;

(5) Maintenance of Panchayat roads, drains, bunds, tanks, wells and other public places or warks ,

(6) Layout and maintenance of play-grounds for village childran and ot public garden ,

(7) Construction and maintenance of public latrines ;

(8) Prevention of any infectious dissease ;

(9) Remeval of rubbish heaps, jungle growth ; filling in disused wells, unsanitary ponds, pools, ditches etc., prevention of water logging, and water hyacinth in irrigated areas, and other improvement of sanitary condition

II. In the sphere of public works

(1) Regulation and development of grazing grounds, village common and other community vessted in it ;

(2) Control and maintenance of buildings, institutions and-property belonging to it ;

(3) Planting trees along roads and public places ,

(4) Establishment and maintenanec of cattle pounds and performance of connected functions ;

(5) Destruction of strong and ownerless dog ;

(6) Maintenance and regulation of bus stands, carriage or cart stands ;

(7) Construction, maintenance and repair of bnildings, water-ways, public roads, drains, embankments, bunds, bridges and culverts ;

(8) Excavation, cleaning and maintenance of tanks and and ponds for Pisciculture or supply of water to animals.

(9) Maintenance and regulation of the use of public buildings, grazing lands, forest lands, tanks, wells and fisheries vested in it or under its control

III. In the sphere of Education, Sports & Culture

(1) Maintenance of public radio sets for the benefit of its local people, running of community centres and reading rooms ;

(2) Establishment and maintence of libraries and adult literary centres ;

(3) Establishment and maintenance of theatres and other recreation centres for promotion of art and culture ;

(4) Popularisation of sports and games and establishment of clubs, Gymnasiums, playground, parks etc. ;

(5) Observance of National weeks or days ;

IV. In the Sphere of Self Defence & Village Defence.

(1) Assistance in the organisation of the village Volunteer force and Village Defence parties ;

(2) Assistance in extinguishing and protecting life and property when fire occurs.

V. In the Sphere of Administration.

(1) Survey and maintenance of statistics, and doing census ;

(2) Distribution of reliefs.

(3) Supplying local information when required by the Government or by any other statutory authority ;

(4) Execution of works assigned to it for execution by the Panchayat Samiti or by the Zila Parishad.

(5) Preparation, organisation and implementation of production plans-both for agricultural and non-agricultural produces ;
(6) Control of cattle stands, threshing grounds and community waste lands ;
(7) Establishment, maintenance and regulation of fairs, pilgrims and festivals ;
(8) Preparation of development plans for its areas and statement showing the required finance.
(9) Registering birth, deaths and marriages ;

VI. In the Sphere of Welfare of people.
(1) Organisation of welfare activities for women, chirdren, and backward classes ;
(2) Assistance in relief of distress caused by flood draught, earthquake, scarcity condition and other calamities ;
(3) Organisation of youth organisations, co-operative Societies, village volunteer force, fields management communities, village production committees etc.
(4) Construction and maintenance of village markets, public places of worship ,

VII. In the Sphere of Agricultures, Forest and Animal Husbandary
(1) Development of Agriculture, Horticulture and Pisciculture.
(2) Construction and maintenance of places for storage of cow-dung ; proper use of it for agricultural purpose.
(3) Arrangement of agricultural trainee to the cultivators with the assistance of Government, Co-operative Societies and Banks ;
(4) Bringing under cultivation waste and fallow land vested in it.

(5) Encouragement of improved methods of cultivation ;

(6) Conservation of manurial resources ; preparing of compost, selling of manures ;

(7) Establishment and maintenance of nurseries for supply of improved seeds, and supply of improved tools and implements assigned by the Goverment ;

(8) Soil conservation, land reclamation, free plantation, maintenance of village forests etc. ;

(9) Improvement of cattle and mathods of poultary keeping, piggery etc.

(10) Crop protection and crop experiments ;

(11) Promotion of Co-operative farming, agricultural farming corporations, establishment of granaries etc.

VIII. In the Sphere of Village Industries.

(1) Promotion, improvement and unarrangement of cottage and village industries ;

(2) Carrying out of any measure likely promote the health, safety, education, comfort, convience, social or economic, or cultural wellbeing of the local people ;

(3) Making of provision for any public reception ceremony, entertainment within its area if a resolution for the purpose is passed by a majority of the two-thirds of the total number of its number, or making contribution towards an annual gathering or other gathering of the Gram Panchayats in the District or the State.

A Gram Panchayat has also the power to carry out, the duties and functions assigned to it by the Panchayat Samiti, the Zila Parishad or by State Government. It has also had power to

receive, invest money or inter into contract with any person, on behalf of the Gram Sabha.

But the aforsaid functions must not exceed the limit of the funds anp resources at the disposal of the Gram Panchayat.

With the previous sanction of the Panchayat Samiti and subject to such conditions as may be prescribed, a Gram Panchayat may borrow moneny from the Government or any local authority to carry out the powers and functions assigned to it by this Act. 15. It can also enter into a contract with the State Government or any local authority to collect, within its local area, taxes or dues payable to the Government or the local authority upon payment of collection charges ; or to carry out any work on such terms as may be agreed.

Financial Power[17]

For the purpose of this Act and with the previous sanction of the State Government, a Gram Panchayat may impose and levy within its local area, all or any of the following taxes, fees, rates, namely ,

(a) house tax ;

(b) tax on daily, bi-weekly or weekly markets whether located on private land or authorise ;

(c) tax on carriage, carts, bicycles, rikshows, boats and packs of animalas ;

(d) Octroi or terminal tax.

(e) Conservancy tax.

(f) Water rate where drinking water is supplied by it ;

15. Section 38.
16. Section 36.
17. Section 50.

(g) Lighting rate where lighting arrangement is made by it.

(h) Fee from cattle ponds maintained by it.

(i) Fees to be charged for registration of animals sold within its area.

(j) Fees for use of Dharmasala or slaughter house ; and

(k) Fees for use of grazing grounds vested in it.

Any arrear of tax and other dues payable to the Gram Sabha under this Act shall be recovered as arrears of land revenue if the concerned Gram Panchayat passes a resolution in that effect'[18]

Gram Fund[19]

A Gram Sabha has its own fund called the Gram Fund. The following shall form part of, and be paid into the Gram Fund namely :

(a) The proceeds of any tax, cess, fees toll etc. imposed by the Gram Panchayat ;

(b) The amount allotted by the State Government ;

(c) All sums ordered by a Court to be placed to the credit of the Gram Fund.

(d) The sale proceeds of all dust, dirt, dungs or refuse including the dead bodies of animals collected by Gram Panchayat ;

(e) Income from cattle ponds.

(f) Such portion of the rent or other proceeds of the property of the State Government as may be placed at the credit of the Gram Fund.

(g) Sums contributed to the Gram Fund by the Panchayat Samiti ;

---

18. Section 51.
19. Section 44.

(h) All sums received by way of loans from the State Government or the Panchayat Samiti or by way of gift.

(i) The income from or sale proceeds of any property vesting in the Gram Sabha ;

(j) Such other sums as may be assigned to the Gram Fund by special or general orders of the State Government ; and

(k) All sums payable to the Gram Fund under this Act.

"The Gram Fund is vested in the Gram Sabha and held by the concerned Gram Panchayat. The administration of this fund shall, subject to the general control of the Panchayat Samiti, be in the hands of the Gram Panchayat[20]. Accounts of receipt and expenditure of the Gram Panchayat are kept in the prescribed forms. An Officer appointed by the Director of Panchayats shall audit the accounts at the end of each financial year"[21]. A Gram Panchayat shall also prepare a budget statement of Receipt and Expenditure for the next financial year and submit the same to the Panchayat Samiti for approval. The Panchayat Samiti shall approve the budget within a period of one month of its receipt. No expecdiure, not provided for in the budget so approved. shall be incured without the previous sanction of the Panchayat Samiti"[22].

Annual Administrative Report.

A Gram Panchayat shall prepare its annual administration report and place the same for approval before the Gram Sabha at its meeting. The report thus approved together with the audit, if any, shall be put to the Panchayat Samiti"[23].

20. Section 45.
21. Section 47.
22. Section 48.
23. Section 49.

Powers And Duties of Pradhan[24].

The Pradhan is directly responsible for carrying out the resolution of the Gram panchayat, passed by it in accordance with the provisions of this Act (The Manipur panchayati Raj Act, 1975)

He shall- (a) regulate the meetings of the Gram Sabha and the Gram panchayat; (b) Keep the records and registers of the Gram Sabha and the Gram panchayat in his custody; (c) exercise supervision and control over the acts done and action taken by all the employees of the Gram panchayat; (d) operate jointly with the Gram Panchayat Secretary the fund of the Gram Sabha including authorisation of payment, issue of cheques and refunds; (e) issue receipts under his signature for sums of money received by him on behalf of the Gram panchayat; (f) cause preparation of all statements and reports required under this Act; (g) exercise all such other powers and functions assigned to him by this Act or rules made there-under.

The Up-pradhan shall, in the absence of the pradhan, regulate the meetings of the Gram Sabha and the Gram panchayat. He shall also exercise such powers and functions as are delegated to him by the pradhan. When the pradhan is removed from his office under no confidence resolution by the Gram Sabha or when the pradhan has been continuously absent from the Gram Sabha area for more than 15 days or is incapacitated or elected as the pramukh of the pandhayat Samiti, the Up-pradhan shall exercise the powers and functions of the pradhan[25].

Panchayat Samiti

It is established for each block area. It bears the name of the Block. It is a body corporate by the name of its Block, having perpetual succession and a common seal. It can sue and be sued in its name[26].

---

24. Section 32.
25. Section 33
26. Section. 52 & 53.

Composition[27]

A panchayat Samiti consists of the following members : (a) all pradhans of all the Gram Sabha in the block. If the office of pradhan of any Gram Sabha is vacant, the Up-pradhan of the Gram Sabha, shall until the vacancy is filled in, be a member of the Panchayat Samtti. If the offices of both the pradhan and the Up-Pradhan are vacant, any person elected by the members of the Gram panchayat from amongst themselves shall until either of the two vacancies is filled in, be member of the panchayat Samiti (b) all members of the Legislative Assembly whose respective constituencies wholly or partly fall within the block. Such a member has right to attend the meeting of the panchayat Samiti or of any standing Committee there of. But he has no right to vote or to be elected as pramukh or Up-pramukh of such panchayat Samiti or as member or Chairman of any Standing Committee thereof.

The members stated in clauses (a) and (b) above, seen after the constitution or reconstitution of the panchayat Samiti shall co-opt these additional members of the panchayat Samiti, who shall have the right to vote :

(a) not more than two woman-members if there is no women-member or only one woman-member ;

(b) one from the scheduled caste if there is no member from such caste ;

(c) one from the scheduled tribe if there is no member from such tribe and their population in the block exceeds five per cent of the total population of the block.

(d) one member to be nominated, as representative of the co-operative society with the Block, by the Registrar Co-operative Socities.

---

27. Section 54.

The term of a panchayat Samiti is five years with effect from such dated as may be notified by the State Government in this behalf[28].

Every panchayat Samiti has pramukh and Up-pramukh elected from amongst its members[29]. The term of their office is Co-terminus with that of the panchayat Samiti[30]. The Pramukh and the Up-pramukh are in charge of the general administration of the panchayat Samiti[31]. The former, in his absence, the latter presides over the meetings of the panchayat Samiti held for its general administrative works[32]. For due and officient discharge of its functions, a panchayat Samiti constitutes, from amongst its members, standing Committees, such as, Standing Committees for production ; Standing Committee for works ; Standing Committee for finance ; Standing Committee for Co-operation and industries ; Standing Committees for Education and Social Welfare[33].

Powers and Functions of panchayat Samiti[34].

A panchayat Samiti has the power to do welfareworks in respect of the following matters

I. Regarding Sanitation And Health

(1) Sanitation and health ; curative and preventive measures in respect of an Epidemic.

(2) Medical relief including establishment and maintenance of dispensaries.

(3) Establishment and maintenance of maternity and child welfare, family planning centres.

---

28. Section 56
29 Section 57.
30. Section 60
31 Section 66.
32. Section 67.
33. Section 68.
34. Section 70.

(4) Encouragement of human and animal vaccination.

(5) Organisation and maintenance of School Health services.

(6) Facilities for Health Education.

(7) Establishment and maintenance of Ayurvedic, Unani and homeopathic dispensaries and giving aids to such institutions.

(8) Opening medical relief contres,

(9) Water supply schemes.

II Regarding public warks

(1) Construction and maintenance of buildings, roads, bridges, embankments, drains, waterways or any other works ro schemes.

(2) Establishment, improvement and regulation of bazars, melεs ; construction of stalls on the Bazer lands or on lands of the Gram panchayat and Panchayat Samiti.

(3) Control and maintenance of buildings, institutions, properties vested in it ;

(4) Establishment and maintenance of institution, farma or industries ; schemes for rural employment.

(5) Establishment and maintenance of ware-house, tra-ding centres, workshops or repair of agricultural implements and machineries.

(6) Management of community lands.

III Regarding Education And Culture

(1) Management and administrative control of primary schools.

(2) Establishment and maintenance of theatres or centres for promotion of art and culture.

(3) Construction and improvement school building and play grounds for scools.

(4) School feeding programme and establishment of horticultural and vegetable gardens in the school campounds.

(5) Observance of National weeks and days.

(6) Other educational objects including exhibition, educational tours, seminars etc.

IV Regarding Administration

(1) Scrutising and approving budget of the Gram panchayat ; issuing instructions to the Gram panchayat.

(2) To supervise, guide and Co-ordinatate the activities of the Gram panchayats.

(3) To settle Bazars and public ferries.

(4) To regulate, maintain and improve Bazars and public ferries.

(5) To settle, control, improve, and sell the fisheries vested in it.

(6) Administration of the employees of both Gram panchayat and panchayat Samiti.

(7) Preparation and implementation of plans entrusted to it by the State Government and the Zila parishad in respect of the Block and the Gram panchayats.

(8) To distribute to the Gram panchayats funds entrusted to it for distribution by the State Government and tee Zila parishad,

(9) To scrutinise and approve the by-laws prepared by the Gram panchayats.

(10) To execute works of development scheme undertaken by it or transferred to it by the Zila parishad and the State Government.

(11) Control and supervision over the woks of the officers placed at its disposal by the State Government.

V Regariding Welfare of People.

(1) Special measures for walfare of backward areas and classes.

(2) Mabilisation and utilisation of local resources for rural development.

(3) Relif-works in case of such natural calamaties as floods, draught, earthquak, scarcity conditions etc.

(4) Organisation of welfare activities among youths, women and childran.

(5) Prevention of offensive and dangerous trades and practices

(6) Construction and maintenance of Dharmsalas, rest houses, camping grounds etc

VI Regarding Agriculture And Horticulture

(1) Plans for devolpment of Agriculture and Horticulture.

(2) Construction and maintenace of minor irrigation works.

(3) Agriculture extension programme.

(4) Crop protection.

(5) Crop campaigns, intensive paddy cultivation including crop competition.

(6) Distribution of agricultural implements, fertilisers and other inputes.

(7) Agricultural finance for the cultivators with assistance from Government, Co-operative institutions and banks.

(8) Establishment and maintenance of agriculture and Horticulture farms.

(9) Measures for soil conservation and land reclamation.

(10) Measures for pisciculture.

(11) Establishment and maintenance of Godowns.

VII. Regarding Animal Husbandary and Veterinary.

(1) Establishment and maintenance of veterinary dispensaries and veterinary aids centres.

(2) Improvement of breeds of cattle including artificial insemination centres and key village centres.

(3) Distribution of improved poultry and poultry feeds, improved breeds of cattle or sheep.

(4) Organisation of cattle-shows and rallies.

(5) Establishment and maintenane of cattle, poultry, goat and piggery farms.

VIII. Regarding Small Scale And Village Industries

(1) Promotion and development of small scale or cottage and village industries; grants or subsidy or loan for such production centres.

(2) Establishment and maintenance of small scale or cottage industries including training cum-production centres.

(3) Establishment and maintenance of Sericulture farms production of Tsar, Eri, Muga, pat cocoons ; popularisation of cultivation of cotton.

(4) To organise and assist industrial Co-operatives including Co-operative weaving Societies.

(5) To provide marketing facilies for cottage industries and village industries products.

XI Regarding Co-operatives.

(1) To organise and assist Co-operative Societies for credit consumers and marketing ; to bring about an effective link between credit and marketing facilities.

(2) To organise Co-operative farming, socities.

X Regarding Revenue And Forest.

(1) Propagation of land reform measures and undertaking of land management.

(2) Organisation and Supervision of Gramdan villages.

(3) Development of village forests and village grazing reserved and control thereof.

(4) Undertaking measures for afforestation and road side plantation.

(5) Grant of loans out of its funds to Gram Panchayats within its jurisdiction.

But the above enumerated powers and functions must not exceed the limits of the fnnd and resources at the disosal of the Panchayat Samiti.

Financial Powers[35].

With the previous Sanction of the State Government, a panchayat Samiti may impose and levy within the limits of its jurisdication, all or any of the following taxes, fees, rates and tolls, namely :

(a) tax on land not exceeding fifteen paise in a rupee payable as land revenue thereof,

(b) tax on professions, trades, or callings ;

(c) surcharge on duty on the transfer of immovable property ;

(d) tax on tolls for market constructed by the panchayat Samiti ,

(e) tolls on roads and bridges constructed by the panchayat Samiti ,

(f) fees for ferries maintained by the panchayat Samiti ,

(g) toll from periodical fairs, exhibition and markets organised by the panchayat Samiti ;

(h) fees from slaughter houses ;

(i) tax from the occupiers of the buildings where the conservancy service is rendered by the panchayat Samiti ;

35. Section 91.

(j) tax on entertainments including amusement ;

(k) any other tax, Toll, rate or fees.

But the panchayat Samiti shall have no power to impose a tax or fee which a State Legislature has no power to impose under the Constitution of India.

Other Powers.

A panchayat Samiti can do all acts necessary for the due and efficient discharge of its powers and functions[36]. It also exercises super vision over the Gram panchayats within its jurisdiction. It can also call for records from any one of its Standing Committees and revise any decision adopted by any such Committee. It has also the power to call for any record, return, statement of account or report from a Gram panchayat for scrutiny[37]. It has the power to require the attendance of any officer at any of its meetings if his presence thereat is disirable for the purpose of obtaining his views or any enformation from him on any point in respect of the powers and functions of the panchayat Samiti[38]. It shall also execute those works entrusted to it by the State Government[39]. It shall be also in charge of the proporty that belongs to it[40].

Panchayat Samiti Fund[41].

A panchayat Samiti has its own fund called the panchayat Samiti Fund. The fund is made up of the following sums

(a) all sums given for institutions and schemes transferred by the State Government.

---

36. Section 72.
37. Section 74 & 75.
38. Section 76.
39. Section 71.
40. Section 80.
41. Section 83.

(b) all sums allotted by the State Government for implementation of the Community Development programmes in the block;

(c) all donations to it by the State Government, Central Government and public institution or the public;

(d) such percentage of land revenue, other taxes or fees as may be payable by the State Government to the panchayat Samiti.

(e) the proceeds of any tax, fee, rate etc which it may levy;

(f) surcharge on duty on transfer of immovable property;

(g) rents and profits from property vested in it;

(h) proceeds from periodical fairs and exhibitions organised organised by it within the block;

(i) share of mater vehicle tax;

(j) all sums ordered by the court to be credited to the panchayat Samiti Fund; and

(k) all sums payable to the panchayat Samiti Fund under this Act.

A panchayat Samiti shall apply its fund for the discharge of its powers and functions and for execution of such Schemes as are entrusted to it by the State Government[42].

Control Over Panchayat Samiti

Financially, a Panchayat Samiti is under the control of the Zila parishad, the Deputy Commissioner and the Director of Panchayats. Its budget for the next financial year is submitted to the above authorities for their approval. An officer deputed by the Director of Panchayats shall

42. Section 84.

audit the accounts of the Panchayat Samiti at the end of each financial year[43].

The State Government or the Deputy Commissioner has the power to suspend the execution of any resolution or order of a Panchayat Samiti, or prohibit the doing of any act by it if the resolution or order or the act is likely to cause a serious breach of peace or obstruction, annoyance or injury to the public, or danger to human life, health or safety[44]. The State Government has also the power to superseds it in case of incompetence or default in respect of the discharge of its powers and functions or abuse of its powers. During the period of supersession a person appointed by the State Government shall discharge the powers and functions of the panchayat Samiti and any of its Standing Committee. The State Government can also dissolve panchayat Samiti if all of its members have failed to attend its meeting without reasonable cause or have tendered resignation or if same of them have tendered resignation while the rest fail to attend a meeting. If a panchayat Samiti is so dissolved; the State Government shall appoint a person of its choice in that behalf to exereise the powers and functions of the panchayat Samiti[46].

Pramukh And Up-pramukh

A panchayat Samiti has its Pramukh and Up-pramukh. They are elected from amongst its members at the first meeting held for the purpose after the constitution or reconstitution of the panchayat Samiti. If a panchayat Samiti fails to elect them, the State Government shall appoint them from amongst its members[47]. Their term of office is co terminus with that of the panchayat Samiti[48]. But they

43. Section 85 & 86.
44. Section 87.
45. Section 88.
46. Section 89.
47. Section 57.
48. Section 60.

may be removed earlier from office. For their removal a no confidence motion shall be moved by a member of the panchayat Samiti after giving to the Deputy Commissioner at least 15 days' notice as to the purpose, in writing and signed by not less than one third of the total number of members of the panchayat Samiti. On such a motion a meeting shall be held, and if, in such a meeting, a resolution for the removal of the pramukh or the Up-pramukh is passed by a majority of at least two-thirds of the total members present and voting and such majority is more than one half of total number of members of the Panchayat Samiti for the time being, the pramukh or the Up-pramukh shall cease to hold office with effect from the date next after the date of such resolution[49]. The Pramukh or the Up-pramukh may tender resignation in writing before the expiry of their term of office ; the former by writing to the Deputy Commissioner, the latter by writing to the former[50].

Powers And Functions of pramukh And Up-pramukh[51]

The pramukh of a panchayat Samiti has the power

(a) to convene, preside over and conduct the meetings of the Panchayat Samiti except the meeting held on a no coufidence motion moved for his removal ;

(b) to exercise control over the financial and general administration of the Panchayat Samiti and general supervision and administrative control over the B.D O. and other Staff of his in relation to the implementation of the decision and observation of the panchayat Samiti and the standing Committee thereof ;

(c) to submit to the panchayat Samiti all cases which require decision and sanction ;

(d) to perform all such functions and exercise all such powers as are imposed on or delegated to him.

49. Section 62.
50. Section 61.
51. Section 66.

In case of emergency, the pramukh, in consultation with the B.D.O. —

(a) direct the execution of any work or act that required the sanction of the panchayat Samiti or any Standing Committee thereof if such work or act is necessary for the maintenance of services and the safety of general public.

(b) stay the execution of any such work or act for reasons to be recorded in writing.

(c) subject to the approval of the zila parishad, change any programme of the panchayat Samiti.

But the pramukh shall not direct or stay the execution of the aforesaid work or act in violation of the orders of the State Government. He shall also report the action he has taken to the panchayat Samiti or the Standing Committee, as the case may be, at its next meeting.

The pramukh shall, at the end of every year, send a confidential report as to the working of the B D.O. during the year to the Deputy Commissioner who shall send a copy of that report to the State Government along with his own confidential report.

The Up-pramukh shall -

(a) in the absence of the pramukh, preside over the meetings of the panchayat Samiti ,

(b) exercise such powers and perform such duties of pramukh, pending the election of the pramukh during the absence of the Zila parishad or otherwise.

The Up-Pramukh has to take over the charge and hold the office of the pramukh when the pramukh is elected, or appointed as a president of the zila parishad.

Standing Committees[52].

Every panchayat Samiti shall constitute from amongs its members various committees. These committees have their own powers and functions The committees given in this Act (The Manipur panchayati. Raj Act, 1975) are- (a) Standing

52. Section 68 & 69

Committee for Production; (b) Standing Committee for works; (c) Standing Committee for finance ; (d) Standing Committee for co-operation and industries ; (e) Standing Committee for Education and Social Welfare. Each standing Committee shall consist of not less than three but not more than five members, who shall be nominiated by the pramukh. No member shall be nominated to more than one Committee. The members of each committee shall elect from amongst its members a Chairman. Where the pramukh is a member of such a committee, he shall be the ex-officio chairman thereof. The term of such a standing Committee, its meeting and selection shall be provided by the bye-laws framed by the panchayat Samiti and approved by the State Government.

Zila parishad

The State Government shall constitute a Zila parishad for a district bearing the name of the District and Having jurisdiction over it. For this purpose two or more districts may be grouped as a single district or a district may be divided into many districts[53]. A Zila parishad shall be a body corporate by the name of its district, having perpetual succession and common seal. It can sue and be sued in its name. It can acquire, hold and transfer property. It can also enter into contrats[54].

Composition[55]

A Zila parishad shall consist of these members :

(a) the pramukh of each Panchayat Samiti in the District or the Up-Pramukh if the office of the pramukh is vacant or a person elected by the panchayat Samiti from amongst its members if the offices of both the pramukh and Up-Pramukh are vacant; (b) members of the House of People whose respective constituencies wholly or partly fall

53. Section 93.
54. Section 94.
55. Section 95.

within the District and the members of the Manipur Legislative Assembly whose respective constituencies wholly or partly fall within the District. They shall have no right to hold any office of the zila parishad but shall have to the right to vote. They shall cease to be its members when they cease to be the members of the House of the People of the Manipur Legislative Assembly, as the case may be. (c) the President of any Co-operative bank within the District to be nominated by the Registrar, Co-operative Societies, Manipur ; (d) One representative of the District Co-Operative Union, if any. He shall have no right to hold any office of the Zila parishad but shall have the right to vote.

These members, as soon as possible after the constitution or re-constitution of the Zila parishad, shall co-opt the following members, who shall have the right to vote :

(a) two woman members if there are no such members.

(b) one women member if there is only one woman member ;

(c) one person belonging to the Scheduled Caste if there is no member from such caste ;

(d) one person from the Schedule Tribe if there is no member from such Tribe and their population in the district execeeds five percent of the total population of that district ;

(e) two person experienced in administration, public life or rural development.

Chairman of each Municipality and each notified area within the district shall be the ex-officio member of the Zila parishad He has the right to attend its meeting and participate in the deliberations of such meetings but he has no right to vote.

The term of the zila parishad, unless otherwise terminated earlier, shall be five years with effect from the date notified by the State Government in this behalf[56].

56. Section 97.

A Zila parishad shall have a President and Vice-president who shall be elected from amongst its members[57]. The President shall convene, preside over and conduct the meetings of the Zila Parishad. He shall also exercise administrative control over its staff and provide guidance to the panchayats in respect of their plans and production programmes. In the absence of the President either on leave or otherwise, the Vice-President shall exercise the powers and functions of the former[58]. For due and efficient discharge of its powers and functions, a Zila parishad may constitute such sub-committees as it may deem necessary[59].

Powers and Functions of Zila parishad[60].

A Zila parishad shall have the following powers and functions within its local jurisdication :

(1) examination and approval of the budget of the Samities ;

(2) distribution of funds amongst the panchayat Samitis ,

(3) co-ordination and consolidation of the plans prepared by Panchayat Samitis ;

(4) co-ordtnation of the works of the panchayats and panchayat Samitis ;

(5) general supervision over the activities of the panchayat Samitis ;

(6) management of trusts, endowments and other institutions, under any law or under orders of the Government ;

(7) discharge of such powers and functions as are delegated to it by the Govenment, in respect of any development progamme ;

---

57. Section 97.
58. Section 107.
59. Section 111.
60. Section 112.

(8) discharge of other powers and functions conferred on it by or under this Act ;

(9) advising the State Govrnment on all matters concerning the activities of panchayats and panchayat Samitis ;

(10) advising the State Governmet on matters concerning implementation of any statutory or execute order especially referred to it by the State Government ;

(11) advising the State Government in respect of its development scheme ;

(12) supervision over agricultural and production programmes, construction programmes, employments, small saving etc. laid down for the district ;

(13) classification of fairs, festivals, markets, except those managed by the State Government as panchayat and Panchayat Samiti fairs, festivals, markets.

(14) classification of roads, except national highways, State Highways and major district roads, as Panchayat Samiti roads and village roads.

Other Powers And Functions

For purpose of efficiently performing its functions, the Zila parishad may, within the limits of its jurisdiction, (a) collect such data as it deems necessary ; (b) publish statistics or any information relating to Gram panchayats and panchayat Samitis ; (c) require Gram panchayats or panchayat Samitis to furnish information relationg to any prescribed matters and activties ; (d) organise camps, conferences and seminars of all pradhans, pramukhs and other members of panchayats and pachayat Samitis [61].

It has also the powers to examine the record of any decision of any of its sub-commitees and to confirm or revise such decision[62].

61. Section 114

62. Section 115.

It has also the powers to call any officer of a Government Department serving in the District to attend any meeting of Zila parishad and tender advice in respect of any matter which concerns the department to which such officer belongs. And every such officer must comply with such requisition[63].

Zila parishad Fund And Its Application[64].

A Zila parishad has its own fund. The sources of its income are : (a) all sums allotted to it by the central and State Governments ; (b) all sums received by it on account of endowments, trust, institution, schemes etc. transferred by the State Government ; (c) donations and contributions from the samitis, public institutions or the public in any from ; (d) such percentage or share of land revenue, cess or local cess, State taxes or fees as may be payable by the state Government to Zila parishad ; (e) the proceeds of any tax, fee, rate etc. which the Zila parishad may levy ; (f) rents and profits from property vested in the Zila parishad , (g) grants from All India Bodies and Institutions for any development programme ; (h) procerds from periodical fairs, exhibitions organised by the Zila parishad ; (i) all sums payable to the Zila parishad.

The fund is used for payment of the salaries and allwances of the officers and emplooees of the Zila parishad, for payment of the allwances of its members, for implementation of any development scheme entrusted to it and for any purpose under this Act,

The budgets of the Zila parishad for the current as well as next financial years are prapared by its Chief Executi Officer. The budget for the current year contains the actual receipts and expenditure while the budget for the next financial year shows estimates of the expected income,

63. Section 109.
64. Sections 121, 122, & 123.
65. Section 124.

expectediture and other receipts. After the budget estimates are finally passed by the Zila parishad, the same are submitted to the State Government for approval. If, in the course of a year, the Zila parishad finds it necessary to make changes in the budget, then a supplementary budget should be prepared for the purpose. The Zila parishad should pass the supplementary budget and then submit the same to the State Government for approval.

The Zila parishad also maintains accounts for each financial year An officer deputed by the Director of panchayats audits the accounts[66].

Control Over Zila parishad[67].

The State Government and The Director of panchayats and other officers appointed by the former exercise control over the proceedings of the Zila parishad. The Deputy Commissioner or the Director of panchayats and other officers appointed and empowered by the State Government for the purpose may at any time inspect any property and work under the control of the Zila parishad, any school, hospital, dispensary, vaccination Station, dharmasalas, other institutions etc. under its management and its office and records The Deputy Commissioner or the Director of Panchayats or auy person empowerd for the purpose may call for any record register or other documents in possession of the Zila parishad for scrutiny, requiere the Zila parishad or its President to furnish any return, plan estimate, statement or any information on any matter connected with the Zila Parishad and record in writing for the consideration of the Zila parishad or its President any observations connected with its powers and functions.

The State Government may also cancel any resolutions or order of ths Zila Parishad on ground of illegality, excess or abuse of powers or on ground that the execution of the resolutions or order may lead to riot or affray.

66. Section 125.

67. Section 126-131.

The State Government has also the power to supersede or dissolve the Zila parishad on any of these grounds : (a) it has failed to exercise its powers and functions ;

(b) it has exceeded or abused any of its powers.

But before passing the orders for supersession, the State Government must give the Zila Parishad a chance to remedy the failure, excess or abuse or to give a satifactory explanation therefor. If the Zila Parishad fails to comply with such directions, the State Govenment may supersed it for a period not exceeding for a period of one year from a specified date, and during the period of supersession a person appointed by the State Government shall exercise the powers and functions of the Zila Parishad.

In case of emergency the Deputy Commissioner, subject to the approval of the State Government, may direct or provide for the execution of any work or the doing of any act which the Zila parishad or its President has the power to execute or do, for the implementation of development plans or safety of the the public.

President And Vice President of Zila parishad.

A Zila parishad has its own President and Vice-President. They are elected from amongst its members at a meeting held for the purpose soon after the constitution or reconstitution of the Zila parishad[68]. The term of their office is co-terminus with that of the Zila Parishad[69]. But the President and the Vice-President may tender resignations before the expiry of their term of office ; the former by writing to the Deputy Commissioner, the latter to the former[70]. They can also be removed from their office on a no confidence resolution of the Zila Parishad by a majority of not less than two-thirds of the total members pre-

---

68. Section 98.
69. Section 101.
70. Section 102.

sent and voting and such majority is more than one half of the total members of the Zila parishad at the relevant time[71]. The State Government may also remove the President or the Vice-President on any of these grounds (a) wilful omission or refusal to carry out the orders of the State Government; (b) abuse of his powers: (c) being guilty of misconduct in discharge of his duties[72]. If the offices of both the President and the Vice-President are simultaneously vacant, the Deputy Commissioner or a person appointed by the State Government shall discharge the powers and functions of the President, without the right to vote in any proceedings of the Zila Parishad[73]. Powers And funcions of President and Vice-President[74].

The President of the Zila parishad has the powers to .

(a) convene, preside over and conduct its meetings;

(b) have full access to its records;

(c) exercise administrative control over its Secretary and Staff;

(d) encourage the growth of initiative and enthusiam in the panchayats and provide to them guidanee in the plans and production programmes and the growth of co-operative and voluntary organisations therein;

(e) exercise other powers conferred on him under this Act;

(f) assess the activities of the panchayat samitis by spot visits to the Blocks in the district,

(g) inspect the works undertaken and the records maintaind by the Panchayat Samitis;

---

71. Section 103
72 Section 105.
73. Section 106.
74. Section 107.

(x) write, at the end of the year, a confidential report as to the work of the Secretary to the Director of Panchayats

When the office of the President is vacant, the Vice-President shall exercise the powers and functions of the President until a new President is elected When both their offices are vacant, or both of them are absent on leave or otherwise, a member elected from amongst th memb rs of the Zila parishad shall exercise the powers and functions of the President.

NYAYA PANCHAYAT

Constitution[75].

A Nyaya Panchayat is established for a circle for administration of justice therein Such a cricle consists of Gram Sabha area or areas. It is known by such name as is specified in the notification of the State Government A Nyaya Panchayat consists of such numb r of panchas as the State Government fixes but not exceeding five Where a Nyaya Panchayat circle consists of more than one Gram Sabha each Gram Sabha within the circle shall have proportionate representation in the Nyaya Panchayat on the basis of population. The panchas are elected from amongst its members by the Gram panchayats within the circle. Their appointments are published in the official Gazette by the Deputy Commissioner

The term of the Nyaya panchayat is co-terminus with that of the Gram Panchayat

A Nyaya Panchapat has also its own Sarpanch and Up-Sarpanch, who are appointed by the State Government in consultation with the District Judge from amongst the elected panchas Their appointment also are published in the official Gazette

No person shall be qualified for election as a panch unless he- (a) has attained the age o 30 years ; (b) is member of a Gram Sabha within the concerned circle ; (c) is

75. Section 132-38.

able to read and write Manipuri or Hindi in Devanagari script.

A Panch may tender resignation in writing to the Sarpanch; latter by writing to the Director of panchayats. The Director of Panchayats may also remove a panch from office on ground of misconduct in the discharge of official duty, or negligence or refusal or incapacity to discharge his duty.

The business of the Nyaya Panchayat is conducted in accordance with the rules made in this behalf[76].

The Sarpanch, in his absence, the Up-Sarpanch presides over the meetings of the Nyaya Panchayat; in the absence of both of them the panchas elect from amongst themselves one to preside over the meeting[77]. A Nyaya panchayat also has a secretary and staff of its own to assist it in the performance of its powers and functions. He is appointed by the Director of Panchayats[78].

Civil And Criminal Jurisdiction of Nyaya Panchayat[79].

Extent of civil jurisdiction A Nyaya Panchayat has the power to try the following suits of the value upto Rs 500/-

(a) a money suit;

(b) a suit for recovery of movable property or for the value therof;

(c) suit for compensation for wrongfully taking or injuring movable property;

(d) a suit for damages caused by cattle trespass;

But it has no power to entertain the following suits:

(a) a suit for a balance due on partnership account;

---

76. See Chapter IX of The Manipur Panchayat And Nyaya Panchayat (General) Rules 1978.

77. Section 141.

78. Section 142.

79. Section Chapter XIX of the Act.

(b) a suit in respact of testamentary and intestamentary successions ;
(c) a suit by or against the Government or a public servant in respoct of the official acte ;
(d) a suit by or against a minor or a person of unsound mind ;
(e) a revenue case unless empowered to try the same ;
(f) a suit over which a civil court jurisdiction is barred.

A suit shall be instituted only in the Nyaya Panchayat under whose jurisdiction the defendant or any of the defendants ordinarily reside or carry on business at the time of the institutiou of the suit.

A Nyaya Panchayat shall not entertain a suit, the institution of which is barred by limitation. It shall also not entertain a suit which is already decided by or sub-judice of another Nyaya Panchayat or court of competent jurisdiction.

Extent of Criminal Jurisdiction ·

A Nyaya Panchayat has jurisdicion to try the following criminal cases :

(a) offences under sections 140, 160, 172, 174, 179, 269, 277, 283, 285, 289, 290, 294, 323, 334, 341, 352, 357, 358, 374, 379, 403, 411 where the value of the property in the offences under sections 379, 403 and 411 does not exced Rs 250/— and offences under sections 426, 428, 430, 431, 447, 448, 504, 508, 509 and 510 of the Indian penal Code ;
(b) offences under section 24 and 26 of the cattle Trespass Act 1871.
(c) any other offence under above Acts or any other Acts if empowered to try the same.

But a Nyaya Panchayat has no power to inflict a substantive sentence of imprisonment. It has, however, the power to pass a sentence of fine upto Rs 100/—; no imprisenment shall be awarded in default of payment of fine.

A Nyaya Panchayat Court shall not take cognizance of any criminal case against the following persons within its local jurisdiction :

(a) a public servant ;

(b) a convict in respect of theft and receiving stolen property ;

(c) a person under bond for good behaviour, under section 109 or 110 of the code of criminal procedure, 1973 ;

(d) a conviot under the Puble Gambling Act, 1867.

It has the power to release a youthful offender after due admonition or on bond of Rs 100/— executed by his guardian for his good behaviour.

All the offences triable by the Nyaya Panchayats are compoundable.

Procedureof cases.

A proceeding, either civil or criminal, before the Nyaya Panchayat shall be the guided by the Principles of natural justice - nemo judex in causa sua* and audi alteram partem**. A Nyaya Panchayat has the power to regulate its own proceeding. Legal practioners can not appear and plead for cases before it. But the duly authorised agents of the parties so the case are allowed to appear for their parties' cases. A Nyaya Panchayat in conducting trial must follow the spirit of the provisions of the Code of Criminal Procedure, 1973, the Indian Evidence Act, 1872 and the Code of Civil Procedure 1908. Difficult and important cases should be referred to the concerned Munsiff or the Judicial Magistrate 1st class.

A case, either civil or criminal, may be instituted orally or in writing in a Nyaya Panchayat. Afther hearing the parties and recording necessary evidence, the sentence in a criminal case or the decree in a suit is given. If it cannot

---

* No one shall be the judge in his own cause ;

** No one should be condemned unheard.

execute the sentence or the decree, it shall forward the same to the concerned Judicial Magistrate First Class or the Munsiff for execution thereof.

Control over Nyaya Panchayat

The concerned Munsiff exercises revisional jurisdiction over the civil cases before the Nyaya Panchayat. Likewise, the concerned Judicial Magistrate Ist class exercises revision jurisdiction over the criminal cases before it. The Munsiff or the Judicial Magistrete First class can pass such orders as he thinks fit and proper in the circumstances of the cases. Such orders are final ond conclusive.

No action shall lie for an act done by a panch of the Nyaya Panchayat in the due discharge of his judicial duties

Chapter IV

The Manipur Municipalities Act, 1975*

Constitution of Municipalities,

The State Government may by notification in the official Gazette declare an area to be a municipality. It also determined the local limits of the area declared to be a mucicipality But such municipality excludes any military cantonment or part thereof[80].

Municipal Board[81]

Each municipality has a municipal Board bearing the name of, and having jurisdiction over, the municipality.

---

*. Farlier the Assam Municipal Act 1956 was in furce in Manipur (then union Territory).

80 See Chapter II of the Manipur Municipalities Act 1975 At present, there are eight municipalities in Manipur-Imphal Municipality, Jiribam Municipality, Thoubal Municipality, Qakching Municipality, Bishenpur Municipality, Moirang Municipalitp, Nambol Municipality and Churachandpur Municipality.

81. See Chapter III of the Act.

The Board is a body corporate having a perpetual succession and a common seal. It has the power to hold, acquire and dispose of pronorty. It can also sue and be sued in its name. Such a Board shall consist of not less than ten but not more than thirty commissioners. The commissioners are elected from the wards of the municipality by the respective local voters who are entitled to vote at the election of the Manipur Legislative Assembly. If a ward fails to elect its commissioner, the State Government shall appoint a person as its commissioner.

No person shall be eligible for election as commissioncr if he (a) is not registered in the electeral roll for a ward ; (b) is of unsound mind as adjudged by a competent court; (c) is an undischarged insolvent ; (d) has been, during the four years inmediatelly proceding the election, convicted by a criminal court of an offence involving moral turpitude or of an offence under Chrpter IX-A of the Indian Penal Code, or has been under bond for good behaviour as ordered by a criminal court under the code of criminal Procedure, unless such conviction or order has been set aside or such effences have been pardoned by a competent authority ; (e) a salaried Government employee ; (f) is a defaulter in payment of any dues to the municipality for more than three months on the date of submission of nomination paner : (g) is not an adult ordinarily resident within the ward from which he is seeking clection.

The term of a municipal Board is four yearv commencing from the date of first meeting held after its constitution But the State Government may extend the term of office for a period not exceeding two years in the aggregate. The state Government may also appoint a Board for a period not exceeding two years after the expiry of the term of the Board.

A Municipal Board has its own President and Vice-President elected from amongst its commissioners. If the Board fails to elect the President or Vice-Presi-dent, the

State Government shall appoint one as the President or Vice-President from amogst the commissioners o' the Board. But the tenure of so appointed President or Vice-Presi lent shall not exceed one year. If the offices of both President and Vice-President, the State Government shall appoint one from amongst the commissioners as President.

The President may tend r his resignation by writing to the Vice-Presidens ; the Vice Presid nt and a commissioner may also resign by writing to the President.

The State Governmet may also remove any elected commissioner on of his conduct in the discharge of his duties s' the r moval is recommended by resolution of the Board by the m ij rity of the total number of the commissioners The S ate Govrnment may also remove a commissioner on any of th se grounds : (a) if he ceases to reside within hi munipality for one year ; (b) if he refuses to act or becomes incapable of acting as commissioner or if he has violated his oath or affirmation of allegiance ; (c) if he, without showing ca use, absents himself from four consecutive meetings of the Board ; (d) if he, being a logal practitioner, appears against the Board before any court in any case by or against the Board ; (e) if he becomes subject to any of the disabilities mentioned in clauses (b) to (f) above; (f) if he, without the proper permission of the State Government, deals directly or indirectly, in the contract or employment with, or by or on behalf; of the Board ; (g) if he defaults in payment of any dues to the Municipality for more than six months after a demand-notice thereof has been served on him

The State Government may remove the President or the Vice-president on any of these grounds, sach as, failure to discharge his duty ; disaualifications as in the case of a commissioner ; unauthorised dealing in the contract or emploment with, by or on behalf of the Biard, misconduct in the discharge of his duty, misuse of fund and property of the Board, abuse of his official powers

abandonment of his ordinary residence within the Municipal area, his appearance as a legal practition before any court in any case by or against the Board if he be a legal practitioner, etc The State Government can also remove him from office as per a resolution passed by a majority of the total number of commissioners for his removal.

The President, in his absence, the Vice-president shall preside over the meetings of the Board. The President has his own powers and functions. In his absence, the Vice-president shall exercise those powers and functions.

Functions of a Board.

The functions of a Board fall under these categories-obligatory, special and discretionary[64]. The obligatory functions are these ;

(a) lighting, watering and cleaning public roads and places ;

(b) removing filth, rubbish, night-soil, odour etc. from privies, laterines, wrinals, cess-pools etc.,

(c) protective measures when fire occurs ;

(d) removing obstructions and projections in public roads or places and in spaces not being private property ;

(f) securing or removing dangerous buildings or places;

(g) maintenance and regulation of cremation grounds for the bodies of dead human bodies and dead animals ;

(h) maintenance and regulation of public roads, municipal boundaries, tanks, wells, markets, slaughter-houses, drainage-works etc ;

(i) construction of public latrines, privies etc. ;

(j) supply of pure water for heath and sanitation ;

(k) naming streets and numbering house ;

---

64. See Sections 33,34, & 36.

(l) registration of births and deaths;

(m) suitable accomodation for calves, cows, buffaloes etc. within the municipality;

(n) publication and printing of the annual administrative report of the municipality;

(o) arrangement for preparation of compost manure from nightsoil and rubbish;

(p) establishment and maintenance of cattle poundd, e tc.

Special functions are these : (a) providing medical aid and accommodation for the sick in times of dangerous disease; (b) giving relief and establishing and maintaining relief works in times of famine or scarcity etc.

Discretisnary functions are the following :

(a) laying out new public roads, plans etc

(b) construction and maintenance of public parks, gardens, libraries, dharmashalas, rest-houses etc.;

(c) construction and maintenance of sanitary houses for the habitation of the poor; granting loans for the purpose;

(d) providing accommodation for the employees of the Board;

(e) planting and maintaining roadside trees;

(f) securing suitable places for offensive trades;

(g) supplying, constructing and maintaining receiptacles, fitting pipes and other applicances for the use of private premises;

(h) the public health and infant welfare;

(i) contribution towards any public fund raised for relief of human suffering within the municipality;

(j) any public reception, ceremoney, entertainment, exhibition etc.;

(k) organisation and maintenance of shops, stalls for the sale of necessaries of life;

(l) holding fairs and exhibitions ;

(m) supply of milk ;

(n) establishing labour welfare centres for its employees:

(o) maintenance of amoulance service ;

(p) establishing and maintaining public hospitals, dispensaries etc.

(q) providing facilities for antirabic treatment etc.

(r) housing and maintaining destitute orphans, cripples etc

(s) establishing rescue homes ;

(t) any matter likely to promote education, public health, safety, economic conditions of the residents within the municiprlity, & c.

Power For Taxation[83]

With the provious approval of State Government, a Municipal Board may, within its local limits, impose any of the following taxes, fees, tolls etc. :

(a) a tax on holdings ;

(b) a tax on all or any of the vehicles except these covered by the Motor Vehicles Act ;

(c) an octroi on goods brought within the municipality for consumption, sale use etc. ;

(d) a latrine-tax ;

(e) a scavenging - tax ;

(f) a lighting-tax where the lighting is arranged by the municipality agancy ;

(g) a drainage tax where the drainage is introduced by the Board ;

(h) a tax on, deeds of transfer of immovable property ,

(i) a tax on advertisements except non-commercial advertisements ;

83. Section 70.

(j) a water tax where is supplied by the Board ;
(k) market fees on persons exposing goods for sale ;
(l) a betterment charge on properties ;
(m) any other tax, toll, rate, charge or fee.

But a Municipal Board shall have no power to impose a tax which the State Legislature has no power to impose under the constitution of India.

Other Powers of theBoard[84]

A Municipal Board has also the following powers within the limits of its local jurisdiction ;

(a) to lay out or make new roads : to widen, open, improve divert any public road ;
(b) to repair privtes roads, drains etc in the public interost ;
(c) to prohibit the use of public roads by a class of animals, carts or vehicles etc. ;
(d) to remove obstruction, encroachments, and projection in on public road ;
(e) to grant sanction for erection of buildings ;
(f) to require the owners or occupiers of the municipal lands to clear noxious vegetation ;
(g) to require owners or occupiers of the municipal lands to improve Bad drainage and to cleanse or drain unwholesome tanks and premises ;
(h) to require the owners or occupiers of the walls, tanks, excavations etc which are dangarous to the passer-by for want of sufficient repair, to secure the same ;
(i) to demolish unauthorised drains leading into the public places ;

84. See Sections 106, 107, 108, 111, 119, 132, 133, 134, 135, 139, 141, 143, 150, 151, 153, 161, 162, 167, 173, 174 etc.

(j) to require the owner of a land to drain the same property.

(k) to arrange establishment for removal of sewage, offensive matter, rubbish etc ;

(l) to supply drinking water ;

(m) to order removal of latrines, urinal, cesspool etc. near any source of water-supply ;

(n) to order removal of unauthorised construction or tree over public drain or water-works ;

(o) to sanction, out of its fund, expenditure on maintaining burial and burning places ;

(p) to issue liconces to the butchers ;

(q) to regulate offensive trades ;

(r) to issue licences for the cinemas, dramatic performances, circuses, etc.

(s) tocclose market, tea-stall etc. for preventing the spread of any contagious disease ;

(t) to provide places, such as, park, play-ground, open spaces etc., for recreation ;

(u) to discharge functions, in respect of, the establishment, maintenance and management of pounds, under Section 31 of the Cattle Trespass Act, 1871.

Municipal Fund[85]

A Municipal Board has its own fund called "Municipal fund". The fund is vested in the Board. It is made up of the following sums :

(a) allsums received by or on behalf of the Board

(b) the balance, if any, standing at the credit of the Board ;

(c) all proceds of the disposal of property by or on behalf of the Board ;

85. Sections 64-69.

(d) all rents accruing from the municipal property ;
(e) all mony raised by municipal tax ;
(f) all municipal fees ;
(g) all moneys realised by the Board by way of compensation or for compouding offences ;
(h) all money received by or on behalf of the board from the State Government, private individuals by way of grants, contributions, gifts etc. ;
(i) all interests and profits arising from any investment of or from any transaction in connection with any money belonging to the Board ;

A Board has also the power to borrow money from the State Government, any financial institution for the due discharge of its powers and functions. The fund shall be applied for these purposes.

A Board shall also prepare its budget for the ensuing year two months before the close of the financial year, and shall pass and submit the same to the State Government for approval, It shall maintain in the prescribed form its accounts. An official deputed by the State Government shall audit the accounts seen after the and of each finacial year.

Bye-Law-Making power of a Board[86].

A Municipal Board has the power to frame by-laws for the following matters :

(a) any matter in respect of which power to frame bye-laws is conferred on the Board ;
(b) traffic regulation ;
(c) proscibing the width of the wheel-tyres of carts, carriage etc. kept and used within the municipality ;
(d) regarding notice to bo given to the Board for the erection, re-erection, material alteration of a building ;

86. Section 204-205.

(e) requiring that such a notice shall be accompanied withe a site plan of the proposed erection, re-eretion, alteration of the building and other connected materials ;

(f) regarding the nature of such erection, re-erection or material alteration ;

(g) proventing the erection of buildings without adequate Layingout ;

(h) regarding drainage ; nuisance ; waseing places for the professional washerman; prevention of mosquito-breeding ;

(i) regarding cutting of trees and bamboos within the Municipality ;

(j) regarding disposal of sewage, offensive matters etc.;

(k) regarding inspection and regulation of markets ; price list etc.

(l) regarding the houses and manner of transport within the municipality ;

(m) fixing places for sale of specified food or drink.

(n) regarding stalling or herding of houses, cattle, sheep, goats, ductskfowls etc.

(o) regarding the inspection of milch catte ; provention of contagious diseases amongst them ;

(p) regarding the inspection and proper regulation of encamping grounds, ponds sarais or dharmasslas etc.;

(q) preventing nussances affecting the public health, safety etc. ;

(r) controlling and regulating the use and management of burial and burning grounds ;

(s) providing for the holding of fairs, industrial exhibitions etc ;

(t) fixing the conditions under which the licences are to be issued, revoked, suspended ;

(u) preventing and removing any encroachments on any municipal land ;

(v) giving effect to the objects and purposes of this Act; imposing on the effenders against any provision of the bye-lows reasonable penalty not exceediog Rs 50/— for each effence and Rs 20/— each day for a continuing offence ;

(w) distribution of works among the officers and members of the staff of the Board.

A Municipality in the hill area has additionai powers to frame bye-laws in addition to the above bye-laws, for the purpose of regulating or prohibiting the cutting or destroying of trees, shrubs or the making of excavations or removal of oil or quarrying etc.

The above bye-laws should be confirmed by the State Government, otherwise they shall not be valid.

Control Over Municipal Board[87].

The Deputy Commissioner or any officer empowered by the State Government in that behalf may at any time inspect any immovable property in the occupation of the Board, any work in progress under or any institution under the control and administation of the Board, and any document or kook in its posseession.

The Deputy Commissioner or the State Government may by order in writing suspend the execution of any resolution or order of the Board or prohibit the doing of any act by it if the resolution, order or act is contrary to the public interest, or in excess of the powers of the Board, or likely to cause serious breach of peace or annoyance or injury to the public.

The State Government may, by order in writing call upen the Board to perform any duty imposed on it within a stipulated period if the Board has made default in

87. See Sections 127—201,

performing that duty. If such duty is not performed within such period, the Slate Government may pass such orders as it thinks fit including the orders for appointment of a person to perform the duty.

In any case of emergency, the Deputy Commissioner in consultation with a technical adviser immediately available may execute in the public interest any work which the Board has the power to execute.

The State Government may supersede or suspend for a period not excedding one year at a time, or dissolve the Board on any of these grounds : (a) incompetence or persistent default in the performance of its duties ; (b) excess or abuse of its powers. But the Board must be given an apportunity to submit a representation before any order for supersession, suspension or dissolution of the Board is passed. During the period of such suspension or dissolution, a person appointed by the State Government shall exercise the Powers and functions of the Board. In consequence, all the commissioners of the Board shall vacat their offices ; the powers and functions of the Board shall be exercised by a person appointed by the state Government in that behalf and all the property vested in the Board shall stand vested in the State Government. On the expiry of the period of suspension, the State Government may extend the period of suspension for another term not exceeding one year or reconstitute the Board by a fresh general election.

Standing Committee[87-A.]

These committees are appointed by the Municipal Board at a meeting held for the purpose. They have to assist the Board in the discharge of any specific duties devolved upon it, The Committees shall consist of Commissioners and, when necessary, of such resident with special qualifications as may be necessary for the purpose. No commissioner shall be member of more than one committee. The President/

87-A Section 53.

Vice-President of the Board, if he is a member of any committee, shall be ex-officio chairman thereof. All the proceedings of any such committee shall be subject to confirmation by the Board at a meeting.

Powers And Functions of The President[88].

We have already discussed how the President of a Municipal Board is elected and his tenure of office. He has the following powers and functions to discharge :

(a) to preside over all meetings of the Board and to regulate the conduct of business as per the relevant bye-laws ;

(b) to watch over the financial and executive administration of the Board and perform such executive functions as are allotted to him ;

(c) to exercise supervision and control over acts and duties of all officers and employees of the Board ;

(d) to direct, in case of emergency, the execution or stoppage of any work or doing of any act which requires sanction of the Board, for the safety or service of the public

The Vice-President, during the absence of the President shall exercise the above powers and functions of the President.

They are given such remuneration or such allowance as sanctioned by the State Government out of the municipal fund.

88. Sections 30 & 31.

SMALL TOWNS*

Constitution[89]

The State Goverment has the power to declare a local area to be a "small town" for improved arrangments. Arreas comprised in a municipality or cantonment shall be excluded from a "small town", The State Government shall fix the local limits of such a town,

Fach small town has a committee called "Town Committee" The Committee shall consist of such number of members as may be prescribed by the State Government. The members for the first time shall be appointed by the State Government for a term of two years ; and for the subsepuent terms they shall be elected in an election to be held before the expiry of the period of two years. The State Government may appoint two members to represent the Scheduled castes and Scheduled Tribes.

On the expiry of the Town Committee the State Government may appoint a Town Gommittee for a term not exceeding one year.

There shall be a President and a Vice-President for each town committee elected from amongst its members If the members of the committee fails to elect the President or the

*. At present, there are thirty small towns in Manipur Lamlong, Shamurou, Wangoi, Thongong Laxmi Bazar, Lamlai, Mayang Imphal, Andro, Sekmai, Lilong (Imphal District) ; Heirok, Lilong (Thoubal), Sugnu, Wanjing, Yairipok, Sikhong Sekmai, Kakching Khunou, Waikhong (Thoubal District); Kumbi, Ningthoukhong, Kwakta, Oinam (Bishenpur District) ; Kangpokpi, Karong Senapati, Mao, Tadubi (Senapati District) ; Ukhrul (Ukhtul District) ; Tamenglong (Tamelong District) ; Singhat (Churachandpur District) ; Chandel and Moreh (Chandel District).

89. Sections 219 & 220

Vice-President, the State Government shall appoint any person whether a member of the commiittee or not to be its President or Vice-President as the case may be.

The State Government shall fix the term of office of a member, the President and the Vice-President of town committee.

Powers of the State Government[90].

The State Government has the power to :

(a) impose in the any small town any tax which could have been imposed therein if such area were a municipality ;

(b) apply to the small town for the assessment and recovery of the above tax any provisions of this Act, i.e., the Manipur Municipalities Act, 1975 ;

(c) arrange for the proper use of the proceeds of the above tax and other funds allotted to the Town Committee and for maintaining proper accounts; and

(d) extend to a small town any provisions of this Act, i.e , the Manipur Municipalities Act.

In conclusion we can say that the town committees are the variants of the Municipal Boards.

IMPHAL MUNICIPALITY

Historical Background :

As early as 1915 a body called Imphal Town Fund Committee was establishad for the local administration of Imphal Town. Imphal Town Fund Committee consisted of one Chairman and other five members* appointed by the

---

90. Section 221.

*. Lt. Col. H.W.C Cole, C.S.I.I A was the first chairman. Mr. C F. Jeffery, State Engineer, Mr. H. Lyndoh, Civil Surgeon, Khan Saheb Hafiz Sherif Shah, Babu Gagan Chandra Aditya and Babu Sadasuk Sarangi were the original members.

Chairman who happened to be the Political Agent of the British Government in the State of Manipur,

And the record shows that Imphal Town Fund Committee had the power of settlement in the area known as British Reserve now known as Babupara area, Secretariat area, Khwai Bazar area, D M College compound area and Deulahland area. And for its administration the Political Agent had a separate Police Department under his control.

Powers and functions.

In this area he exercised all executive and judicial powers over and above the settlement powers mentioned above

During the period of Town Fund Committee the Assam Mnuicipal Act, 1923 was followed through it is not clear as to which Act or Law was followed before the year 1923. It appears that the executive order was the law till the Board was formally established.

Imphal Municipal Board ;

It came into existence in the year 1956. As see as the Board was established the Assam Municipal Act, 1956 was extended to Manipur and the same was enforced in Imphal. The Beard was formed with 12 elected members for 12 wards.

Assam Muncipal Act, 1956* And Imphal Municipal Board.

The area originally under its jurisdicition was Babupara area, Secretariat area and Khwai Bazar area In the year 1962 the Municipal area was extended from 1.2. Sq. miles to 6.75 Sq miles comprising 20 wards.

In the year 1970 the Municipal area was extended from 6.75 Sq. miles to 7.05 Sq. miles comprising 22 wards

Then again in the year 1972 the Municipal area was extended from 7 05 Sq. miles to 29.57 Sq. miles comprising 26 wards

---

*. The Act was in force from 13 2.60 to 6 4 76.

The Board discharged the powers and functions under the Assam Municipal Act, 1956 for the local administration of Imphal Municipal area.

The Manipur Municipalities Act, 1975.

Under this Act a Board is constituted for Imphal Municipality. The Board has 26 Commissioners elected from the 26 wards of the Municipal area which measures about 29'57 Sq, miles. Now, the whole area of Lamphelpat is included in the Municipal area As per 1981 census, the Municipality has a population of about 1,54,421.

The Board has its own President and Vice-President elected from amongst its elected commissioners. Regarding their election, tenure of office, qualification, disqualification etc. we have alredy discussed in the Act itself in the preceding pages.

The Board has its own powers and functions under this Act and the bye-laws framed thereunder. We have set forth in detail those powers and functions in the Act itself in the proceeding pages.

The Board has its own staff. Its Executive Officer is the Principal executive officer. He also functions as Secretary to the Board. All other officers and emplcyees are subordinate to him. But the Executive officer is under the control of the President. The Board has also Health Officer revenue Officer, and Engineer appointed by it with concurrence of the Government of Manipur.

But from the practical point of view, the works done by the Board may be classified into three categories-plan works, Non-plan works and other works,

Plan Works:— Generally, once in a year, the Government of Manipur grants a certain amount of fund to the Municipality as Grant-in-aid for certain purposes, such as, construction of Municipal roads, sheds for local markets,

execution of other important works. All such works taken up with the money of the Government of Manipur are known as the plan works of the Municipality. So far the plan works for improvement or construction of roads are taken up by the Municipality through its Engineering Staff. The selection of roads for the works-programme is made through the recommendations of the commissioners of this Board.

Construction of sheds for local markets at Tera Keithel, Lamlong etc. were taken up by the Public Works Department, Manipur on deposit of money by the Municipality, the money being issued by the Government of Manipur to the Municipality. There are also seme other works money being taken up by the Public Health Engineering Department in the same manner.

Non-Plan Works: The Municipality has to spend about Rs 2/— lakhs in a month for staff payment and maintenance of the establishment. The amount is spent from its own fund and this expenditure cannot be avoided. With money from its fund, the Municipality has also to maintain roads and markets, to purchase R.C C. culverts and slabs, to purchase equipments, to develop cremation grounds and to do other works which cannot be covered by the Plan-Works Thus, such works done by the Municipality with money from its fund are called the Non-Plan Works.

Other Works:— The Municipality has to pay special attention to certain places, e.g , Thangal Bazar and Paona Bazar, these places being important and common. It has to remove unwanted materials from these places, to cleanse public latrines and urinals and to sprinkle bleaching powder and pyenyle. Besides, it provides reliefs to the Municipal people in times of natural calamaties-floods, draughts etc. It also extends help to the needy to the extent it can.

The town beautification is a burning question at present. The Municipality takes up the works in this respect jointly with the Government of Manipur*.

It is the Imphal Municipality to keep the Imphal town neat and clean

In conclusion, we can say that the service of the Imphal Municipality alone can make Imphal a good place, but without the co-operation of the Municipal people it will be difficult to achieve this goal.

---

*. The Manipur Town And Country Planning Act, 1975 has been enacted. The object of this Act is primarily the development of Towns and Country sides of the State on sound and scientific principles, for securing proper sanitary conditions, conserving and improving public health etc. Section 29 of the Act empowers the Government of Manipur to direct any local authority including a Muncipal Board to prepare and submit a development scheme.

Available at :

Kangla Book House

IMPHAL.